

ALABAMA LAWS

(and Joint Resolutions)

OF THE

LEGISLATURE OF ALABAMA

**PASSED AT THE
REGULAR SESSION OF 1965**

**HELD AT THE CAPITOL, IN THE CITY OF MONTGOMERY
COMMENCING ON TUESDAY, MAY 4, 1965**

IN TWO VOLUMES

Vol. II



GEORGE C. WALLACE, Governor

JAMES B. ALLEN, Lieutenant Governor

GEORGE HAWKINS, President Pro-Tem of the Senate

ALBERT P. BREWER, Speaker of the House

RANKIN FITE, Speaker Pro-Tem of the House

McDOWELL LEE, Secretary of the Senate

JOHN W. PEMBERTON, Clerk of the House

**WITH AN INDEX PREPARED BY THE
LEGISLATIVE REFERENCE SERVICE**

The undersigned, as Secretary of State of the State of Alabama, does hereby certify that the book contains bills and joint resolutions enacted at the 1965 Regular Session of the Legislature of Alabama and is the official publication of such acts.

Mrs. Agnes Baggett
Secretary of State.

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Act No. 553

H. 914—Turner (Crenshaw)

AN ACT

To regulate going out of business and distress merchandise sales; providing for licensing such sales; providing for enforcement of the Act and prescribing penalties for violation.

Be It Enacted by the Legislature of Alabama:

SECTION 1. Definitions: The following words and phrases when used in this Act, unless otherwise provided, shall have the meanings respectively ascribed to them in this section:

APPLICANT. Any person applying for a license hereunder, and shall include the principal, if such person is the agent of another who is the true owner, not withstanding whether that other is an individual, partnership, association, firm or corporation, and notwithstanding whether the name of the true owner appears on the application or not.

DISTRESS MERCHANDISE SALE. Any offer to sell to the public or a sale to the public of goods, wares or merchandise on the implied or direct representation that such sale is being held other than in the ordinary course of business and not otherwise defined herein. Without limiting the generality of the above, "distress merchandise sales" shall include, but not be limited to, any sale advertised either specifically or in substances to be any one of the following:

- (1) Fire sale;
- (2) Smoke and/or water damage sale;
- (3) Adjustment sale;
- (4) Insurance salvage sale;
- (5) Mortgage sale;
- (6) Adjuster's sale;
- (7) Reorganization sale; or
- (8) Other terminology of similar intent to any of the above.

GOING OUT OF BUSINESS SALE. Any offer to sell to the public or a sale to the public of goods, wares or merchandise on the implied or direct representation that such sale is in anticipation of the termination of a business at its present location or that the sale is being held other than in the ordinary course of business. Without limiting the generality of the above, "going out of business sales" shall include, but not be limited to, any sale advertised either specifically or in substance to be any one of the following:

- (1) A sale because the applicant is going out of business;
- (2) A sale because the applicant is liquidating;
- (3) A sale because the applicant is selling 50% or more of his stock, his entire stock or selling out to the bare walls;
- (4) A sale because the applicant has lost his lease;
- (5) A sale because the applicant is selling out his interest in the business establishment;
- (6) A sale because everything in the store or establishment must be sold;
- (7) Trustee's sale;
- (8) Bankrupt sale;
- (9) Save us from bankruptcy sale;
- (10) Insolvent sale;
- (11) Assignee's sale;
- (12) Must vacate sale;
- (13) Quitting business sale;
- (14) Receiver's sale;
- (15) Loss of lease sale;
- (16) Forced out of business sale;
- (17) Removal sale;
- (18) Liquidation sale;
- (19) Executor's sale;
- (20) Administrator's sale;
- (21) Warehouse removal sale;
- (22) Branch store discontinuance sale;
- (23) Creditor's committee sale;
- (24) Adjustment sale;
- (25) Defunct business sale;
- (26) Selling out interest sale; or
- (27) Other terminology of similar intent to any of the above.

GOODS, WARES AND MERCHANDISE. Any goods, wares, merchandise or other property capable of being the object of a sale regulated hereunder.

INVENTORY. A list of and the wholesale cost of goods, wares and merchandise.

PERSON. Any individual, partnership, association, firm or corporation.

SECTION 2. It shall be unlawful for any person to sell, offer for sale or advertise for sale at a going out of business sale or a distress merchandise sale any goods, wares, or merchandise, whether it be his property or that of another, unless a license for such going out of business sale or distress merchandise sale has been issued pursuant to this Act and is in effect. Said license must be displayed in a prominent place on the premises wherein any such sale is being conducted and the number and date of issue of said license must be displayed in any advertising of said sale.

SECTION 3. An applicant for a license to conduct a going out of business sale or a distress merchandise sale shall file an application with the Judge of Probate of the County in which such sale shall be held at least thirty (30) days prior to such sale. Provided, however, that the said 30 day period may be waived in writing by the Probate Judge to whom the application is made, for good cause shown.

The application shall be made upon forms prescribed by the Commissioner of Revenue of the State of Alabama, signed and verified by the applicant and shall include the following information:

(a) Name and address of the applicant, and also the name of the true owner if the applicant is not such true owner.

(b) Name, location and time of the proposed going out of business sale or distress merchandise sale;

(c) Inventory of the goods, wares, or merchandise, on hand and on order, which the applicant intends to offer for sale at a going out of business sale or distress merchandise sale. The inventory shall show the quantity, kind or grade of each item, the wholesale cost thereof and the name of the supplier from whom each item was acquired;

(d) A statement of the average, highest and lowest inventory at the wholesale cost thereof, at the applicant's place of business during the year next preceding the filing of the application

(I) When the applicant operates more than one retail outlet and said outlets are supplied from a warehouse or warehouses operated by Applicant, then the amount of inventory in said warehouse or warehouses attributable to the

retail outlet wherein the sale hereunder is to be conducted shall be calculated as follows:

(a) The total volume of merchandise handled in said warehouse or warehouses during the year next preceding the filing of the application hereunder shall be determined;

(b) The percentage of such year's total volume sold through the retail outlet wherein the sale hereunder is being conducted shall next be determined.

(c) The percentage so determined, of the merchandise on hand at said warehouse or warehouses at the time of the filing of the application hereunder shall be attributable to the concerned outlet and shall be included as part of the inventory set forth in the application.

(e) A list of goods, wares or merchandise received by the applicant during the three months next preceding the filing of the application;

(f) A statement that the applicant will discontinue the business for which the license is requested, provided such sale is a going out of business sale, the date when such termination will be effected and that the applicant will not use or authorize the use of his trade, business or firm name for a period of One (1) year immediately following the expiration of a license issued to him under this chapter; provided however that if such name is being used in connection with another establishment operated by applicant presently located within the State of Alabama at a different location, then the trade, business or firm name may be used at such other location, but not at the location where the sale is conducted and not at another location established by applicant after the application is made.

(g) Such other information as the Commissioner of Revenue may prescribe.

SECTION 4. Every applicant under this Act shall execute and file with the Probate Judge to whom the application is made a good and sufficient bond in the sum of TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00), or five percent (5%) of the wholesale value of the inventory as set forth in the application, whichever is greater, with two or more sureties thereon, approved by said Probate Judge, or with the surety thereon a surety company authorized to do business in the State of Alabama, which bond in any event shall be approved by said Probate Judge, payable to the State of Alabama and shall be conditioned upon faithful observance of all the conditions of this Act and shall also indemnify any purchaser at said going out of business sale or distress merchandise sale,

who suffers any loss by reason of misrepresentation in said sale. Said bond shall continue in effect for one year after the termination of the sale for which it is made.

The licensee shall notify the Probate Judge issuing the license of any suit filed as a result of the operation hereby licensed. Any purchaser claiming to have been damaged by misrepresentation in said going out of business sale or distress merchandise sale may maintain an action at law against said licensee making such misrepresentations, and may join as party defendant the surety or sureties on said bond. If suit is filed by any purchaser or purchasers at a licensed sale, within one year after the termination of the sale, the bond shall remain in force and effect until the suit or suits are concluded and the judgment or judgments, if any, paid in full.

In the event the Applicant fails to observe all of the provisions of this act in conducting such sale for which the bond is given, the bond will be deemed to be forfeited and any solicitor of the State of Alabama may recover suit in the Circuit Court of the county in which the bond was given, the amount of the bond from applicant and his sureties for the use and benefit of the State of Alabama.

SECTION 5. When an application for a license to conduct a going out of business sale or distress merchandise sale is filed, the Probate Judge to whom the application is made shall make such investigation as he deems necessary prior to the public hearing hereinafter provided. The applicant shall pay to such Probate Judge at the time the application is filed a fee of \$10.00 for making said investigation, and if such Probate Judge deems it necessary to have an independent inventory or audit of the Applicant's books made, he shall advise the applicant of the cost of such independent inventory or audit and Applicant shall pay said amount to such Probate Judge to be used by him to pay the cost of such inventory and/or audit.

The applicant's refusal to pay the fee and costs hereinabove provided and his refusal to permit examination of his books and records or his goods, wares and merchandise is ground for refusal by such Probate Judge to issue a license.

SECTION 6. The Probate Judge to whom the application is made, or his designee, shall conduct a public hearing not later than two (2) weeks after an application has been filed. At least one (1) week prior to such hearing the Probate Judge shall, at the expense of Applicant, publish a notice of the hearing in a local newspaper of general circulation. The Probate Judge may require that a record be made of the

public hearing and that the testimony at such hearing be under oath.

SECTION 7. A license for a going out of business sale or distress merchandise sale shall be limited to a period of thirty (30) consecutive business days, exclusive of Sundays and legal holidays. No license shall be issued for a period that will include any of the days between November 15 through December 31, inclusive, and no going out of business sale or distress merchandise sale may be conducted during that period. If a licensee does not sell the quantity of goods, wares, or merchandise permitted under this Act, he may apply for, and the Probate Judge may, upon good cause shown, grant, an extension of thirty (30) days.

SECTION 8. It shall be unlawful for any person to use the trade, business or firm name of a licensee for a period of One (1) year after the expiration of a license issued under this Act, if such license is issued for a going out of business sale, provided however that Applicant may continue the use of such name at a different location if it has been and is at the time the application is filed being used at a different location within the State of Alabama by Applicant.

SECTION 9. No going out of business sale or distress merchandise sale shall be held at times other than regular store hours of the applicant, except that the Probate Judge issuing the license may, upon good cause shown by the applicant, make reasonable provision for extra evening hours.

SECTION 10. No license for a going out of business sale or a distress merchandise sale shall be issued except to a bona fide licensed merchant of the State of Alabama and no such license shall be granted to an applicant who sets up an establishment or who acquires an interest in an establishment solely or principally for the purpose of conducting a going out of business sale or distress merchandise sale.

SECTION 11. No such license shall, under any circumstances, be granted to any persons, applicant or owner, within a period of two (2) years after the termination of any such going out of business sale by such person, applicant or owner, held or conducted hereunder. No person, applicant or owner who has been convicted of violating any of the provisions of this Act relating to the conduct of going out of business sales or distress merchandise sales, shall be granted a license for such sale or sales or be employed, in any manner at or in connection with any going out of business sale or distress merchandise sale licensed hereunder for a period of Ten (10) years after such conviction.

SECTION 12. When the Probate Judge to whom the ap-

plication is made is satisfied after investigation and public hearing that:

(1) The applicant intends to discontinue his business at the location designated in the application on the date specified therein if such sale is a going out of business sale;

(2) The applicant's inventory, on hand and on order, is not out of proportion to the stock normally carried by such applicant;

(3) The applicant has not purchased or otherwise acquired goods, wares or merchandise for the purpose of conducting a going out of business sale or distress merchandise sale;

(4) The goods, wares or merchandise to be offered for sale are those of a bona fide merchant of the State of Alabama;

(5) No misrepresentation of the goods to be sold has been made or will be practiced;

(6) The applicant has complied with the provisions of this Act in all other respects not specifically set forth in this section; he shall issue a license to the applicant.

SECTION 13. At the time a license is issued hereunder for a going out of business sale, the applicant shall surrender to the Probate Judge issuing the same all licenses held by him at that time for the regular operation of his business at the location where such sale is to be held and the same shall no longer be of force and effect.

SECTION 14. For a license issued for thirty (30) days or less, the applicant shall pay to the Probate Judge issuing the same, for the use and benefit of the State of Alabama, a license fee in accordance with the following schedule:

\$50.00 if inventory is \$10,000.00 or less.

\$100.00 if inventory is over \$10,000.00 but less than \$25,000.00.

\$200.00 if inventory is over \$25,000.00 but less than \$50,000.00.

\$300.00 if inventory is over \$50,000.00 but not over \$100,000.00.

\$400.00 if inventory is over \$100,000.00 but not over \$200,000.00.

\$500.00 if inventory is over \$200,000.00.

For a license renewal of thirty (30) days or less, the appli-

cant shall pay an additional license fee of ONE HUNDRED DOLLARS (\$100.00).

The Applicant shall also pay to the Probate Judge issuing the license an issuing fee of \$25.00 for each license issued hereunder, and for each renewal of such license, if any, and all costs of investigation and public hearing.

SECTION 15. A licensee under this Act shall not advertise a going out of business sale or distress merchandise sale earlier than seven (7) days prior to the date on which the going out of business sale or distress merchandise sale is licensed to begin. Advertising of such sales shall state the number of the license issued pursuant to this Act, the date when the sale is to begin and during the last fifteen days of such sale shall clearly and prominently state the date upon which the sale shall end.

SECTION 16. During any going out of business sale or distress merchandise sale, it shall be unlawful for a licensee to sell, offer for sale or advertise for sale any goods, wares or merchandise which were not included in the inventory filed with his application or added to his stock as permitted in this section.

During any going out of business sale or distress merchandise sale licensed hereunder, no additions shall be made to the stock of merchandise set forth in the inventory attached to the application for license, provided, however that the applicant may add new stock not to exceed ten percent (10%) of the dollar value of the inventory of goods, wares or merchandise on hand as shown in the inventory attached to the application filed pursuant to this Act and further provided that the said addition of ten percent (10%) shall include the goods, wares or merchandise on order as shown in said application. The purpose of said additions to inventory shall be only to maintain reasonably balanced selections.

SECTION 17. A licensee shall file with the Probate Judge issuing the license a daily report under oath of merchandise received. The report shall show the quantity, kind and grade of each item received, the supplier of each item and the wholesale value thereof. Failure to report any receipt of goods while a license is in force is ground for revocation of the license, in the discretion of the Probate Judge issuing the same.

SECTION 18. It shall be unlawful for any licensee, his agent or employee to make any statement which is false in any particular or which has a tendency to mislead or to make any misrepresentation with reference to any article sold or offered for sale during said going out of business sale or distress merchandise sale.

SECTION 19. No person shall act at any going out of

business sale or distress merchandise sale as bidder, or what is commonly known as a "capper," "booster," or "shiller" or offer or make any false bid to buy any article sold or offered for sale at any going out of business sale or distress merchandise sale, who is not a bona fide potential purchaser.

SECTION 20. The person to whom a license has been granted hereunder or his authorized representative, shall remain in continuous attendance at all times while such going out of business sale or distress merchandise sale is being conducted, and shall be responsible for any violation of the provisions of this Act.

SECTION 21. The Probate Judge issuing a license under the authority of this Act may revoke or suspend the same if any licensee sells, offers for sale or advertises for sale any goods, wares or merchandise in addition to those specified under Section 16 of this Act, or violates any of the provisions hereof or any law relating to the business so licensed or otherwise fails to comply with the terms of this Act.

SECTION 22. Any person who is conducting a sale as defined and regulated herein, at the time this Act becomes effective, shall have thirty (30) days from the effective date of this Act within which to complete such sale, and if such sale is not completed within said time the person conducting the sale shall make application for a license and meet the requirements of this Act. The thirty (30) days period herein allowed without a license shall be considered as if it were a sale with a license under this Act, and the application of such person at the end of such thirty (30) day period shall be considered as if it were an application for a renewal of a license permitted under this Act.

SECTION 23. A person convicted of a wilful violation of any of the provisions of this Act shall be fined not more than \$100.00 and may be imprisoned for not more than six months, or both. Each separate sale, offering for sale or advertising for sale at a going out of business sale or distress merchandise sale of any goods, wares or merchandise in violation of the provisions of this ordinance constitutes a separate offense.

SECTION 24. In the following cases the provisions of this Act shall not apply:

(a) Sales for the estate of a decedent by the personal representative, or his agent, according to law or by the provisions of the will.

(b) Sales of property conveyed by deed of trust, mortgage, or decree, or ordered to be sold according to the mortgage, decree or order.

(c) Sales of all agricultural produce and livestock arising from the labor of the seller, or other labor under his control on or belonging to his real or personal estate and not purchased or sold for speculation.

(d) All sales under legal process.

(e) Sales by a licensed pawn-broker or loan company which is selling or offering for sale unredeemed pledges of chattles as provided by law.

(f) Sales made within the incorporated limits or police jurisdiction of any municipality of the State of Alabama, under a license granted by such municipality pursuant to the provisions of a valid ordinance of such municipality similar to the provisions of this Act.

(g) Sales of automobiles by an Auctioneer licensed under the laws of the State of Alabama.

(h) Sales of fire, smoke, or water damaged merchandise by a licensed business establishment continuing in business. Such sales to be limited to twelve (12) regular business days.

(i) Sales of perishable merchandise by a licensed business establishment continuing in business. Such sales to be limited to seven (7) regular business days.

SECTION 25. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

SECTION 26. This Act shall take effect immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved August 25, 1965.

Time: 5:21 P.M.

Act No. 554

S. 574—Hawkins

AN ACT

To alter and rearrange the boundaries and corporate limits of the Town of Glencoe, Alabama, so as to exclude and detach therefrom certain territory presently included in the corporate limits.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries and corporate limits of The Town of Glencoe, Etowah County, Alabama, are hereby altered and rearranged, so as to detach and exclude therefrom the following described property which now lies within the corporate limits of the Town of Glencoe, to-wit: —

Begin at the southwest corner of Section 21, Township 12 South, Range 7 East; thence in an easterly direction and along the south line of said Section 21 to a point on the east line of the $W\frac{1}{2}$ of the $W\frac{1}{2}$ of the $SW\frac{1}{4}$ - $SW\frac{1}{4}$ said Section 21; thence in a northerly direction and along the said east line to the north line of said $SW\frac{1}{4}$ - $SW\frac{1}{4}$; thence in an easterly direction and along the north line of said $SW\frac{1}{4}$ - $SW\frac{1}{4}$ to a point on the west line of the $E\frac{1}{2}$ of said $SW\frac{1}{4}$ - $SW\frac{1}{4}$; thence in a southerly direction and along said west line to the south line of said $SW\frac{1}{4}$ - $SW\frac{1}{4}$; thence in an easterly direction and along the south line of said $SW\frac{1}{4}$ - $SW\frac{1}{4}$ to the southeast corner thereof; thence in a southerly direction and along the west line of the $E\frac{1}{2}$ of the $NW\frac{1}{4}$, Section 28, to the southwest corner of the $SE\frac{1}{4}$ - $NW\frac{1}{4}$, said Section 28; thence in an easterly direction and along the south line of said $SE\frac{1}{4}$ - $NW\frac{1}{4}$ to the southeast corner thereof; thence in a northerly direction and along the east line of said $SE\frac{1}{4}$ - $NW\frac{1}{4}$ to the northeast corner thereof; thence in an easterly direction and along the south line of the $N\frac{1}{2}$ of the $NE\frac{1}{4}$, Section 28, to the southeast corner of $NW\frac{1}{4}$ - $NE\frac{1}{4}$ Section 28; thence in a northerly direction and along the east line of said $NW\frac{1}{4}$ - $NE\frac{1}{4}$ and the east line of the $SW\frac{1}{4}$ - $SE\frac{1}{4}$ of Section 21 to the Northeast corner of the $SW\frac{1}{4}$ - $SE\frac{1}{4}$ Section 21; thence in an easterly direction and along the south line of Fraction "A", Section 21 South of the Indian Boundary Line to the southeast corner thereof; thence in a northerly direction and along the east line of said Fraction "A" to the northeast corner thereof which is a point on the Indian Boundary Line; thence in a northwesterly direction and along the Indian Boundary Line to a point 472 feet southeast of the northwest corner of Fraction "B" South of the Indian Boundary Line; thence in a southeasterly direction and in a direct line a distance of 1678 feet to a point, said point being 595 feet east of the west line of the $NW\frac{1}{4}$ - $SE\frac{1}{4}$; thence in a westerly direction and parallel to the north line of said $NW\frac{1}{4}$ - $SE\frac{1}{4}$ to a point on said west line; thence in a northerly direction and along the west line of said $NW\frac{1}{4}$ - $SE\frac{1}{4}$ and the West line of Fraction "B", Section 21 to a point on the west line of Fraction "B", said point being 50 feet south of the northwest corner of Fraction "B"; thence in a northwesterly direction parallel to and 50 feet south of the Indian Boundary Line to a point on the west line of Fraction "C", Section 21; thence in a southerly direction and along the west line of Fraction "C" to a point, said point being 1320 feet north of the southeast corner of Fraction "D", Section 21; thence in a westerly direction and parallel to the south line of Fraction "D" to a point 589.3 feet east of the west line of Fraction "D"; thence in a southerly direction and parallel to the west line of Fraction "D" a distance of 400 feet; thence in a south-

westerly direction and along the southeast side of R. A. Chapman property as recorded in Deed Record Book 835, page 683, to a point on the west line of Fraction "D", said point being 833 feet north of the southwest corner Fraction "D" and also being on the west line of Section 21; thence in a southerly direction and along the west line of Section 21 to the southwest corner thereof, which is the point of beginning; said description being in Sections 21 and 28, Township 12 South, Range 7 East in Etowah County, Alabama.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 26, 1965.

Time: 8:30 A. M.

Act No. 555

S. 575—Hawkins

AN ACT

To alter and rearrange the boundaries between the town of Glencoe and the city of Gadsden so as to detach certain territory from the town of Glencoe and annex the same to the city of Gadsden.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary line between the town of Glencoe and the city of Gadsden in Etowah County shall be altered and rearranged so as to incorporate within the city of Gadsden the following described territory which now lies within the corporate limits of the town of Glencoe, to-wit:

Begin at the Southwest corner of Fraction "K", Section 18 Township 12 South, Range 7 East, which is a point on the present Corporate Limits of Gadsden; thence in a Northerly direction and along the West line of Fractions "K", "I", "H", and "G" of said Section 18 to the Northwest corner of said Fraction "G" which is also a point on the Northeast side of Kaying Road; thence in a Southeasterly direction and along the Northeast side of said Kaying Road to a point said point being the East line of Lot 1, Block 5 of Meadow Grove Acres as recorded in Plat Book "F", Pages 41 and 43 if extended in a Northerly direction in a direct line; thence in a Southerly direction and along said direct line and the East line of said Lot 1 to a point said point being the Northwest corner of Lot 40 in said Block 5; thence in a Northeasterly direction and along the Northwest line of said Lot 40 to the Northeast

corner thereof; thence in a Southeasterly direction and along the East line of said Lot 40 to the Southeast corner thereof; thence in a Southerly direction and along the East line of Lots 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50 and 51 of said Block 5 to the Southeast corner of said Lot 51; thence in a Westerly direction and along the South line of Lots 51 and 52 of said Block 5 to the Southwest corner of said Lot 52; thence in a Southerly direction and in a direct line to the Northwest corner of Block 6 of said Meadow Grove Acres; thence continue in a Southerly direction and along the West line of said Block 6 to a point on the Northwest corner of Lot 51 of said Block 6; thence in an Easterly direction and along the North line of Lots 51 and 46 of said Block 6 to the Northeast corner of said Lot 46; thence in a Southerly direction and along the East line of Lots 46 and 47 of said Block 6 to the Southeast corner of said Lot 47; thence in a Westerly direction and along the South line of Lots 47 and 48 of said Block 6 to the Southwest corner of said Lot 48; thence in a Southerly direction and in a direct line to the Northwest corner of Block 7 of said Meadow Grove Acres; thence continue in a Southerly direction and along the West line of said Block 7 to the Southwest corner of said Block 7 said point also being on the North line of Fraction "K" said Section 18 and being 356.4 feet East of the Northwest corner of said Fraction "K"; thence continue in a Southerly direction 356.4 feet East of and parallel to the West line of said Fraction "K" to a point on the South line of said Fraction "K" which is a point on the present Corporate Limits of the City of Gadsden; thence in a Westerly direction and along the South line of said Fraction "K" and the present Gadsden Corporate Limit Line to the Southwest corner of said Fraction "K" which is the point of beginning and being in Section 18, Township 12 South, Range 7 East in Etowah County, Alabama.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 26, 1965.

Time: 8:31 A.M.

Act No. 556

S. 365—Carter, Nichols, Givhan, Horton,
James, Lowe, Montgomery,
Clark

AN ACT

To propose an amendment to the constitution relative to the establishment of water management districts.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, and shall become valid as a part thereof when approved and proclaimed as prescribed by law.

PROPOSED AMENDMENT

"Section 1. The legislature may provide for the formation of water management districts for the establishment of works of improvement for the drainage of wet, swamp, and overflowed lands of the State, and for flood prevention or the conservation, development, utilization, and disposal of water within the State; confer the right of eminent domain for such purposes, provide for the taxing of the whole or part of the cost of such improvements against the lands and property in such district to the extent of the increased value thereof by reason of special benefits derived from such improvements; and provide for the issuance of bonds for such districts with or without an election; provided, however, that nothing herein shall authorize any such water management districts to engage in or finance, directly or indirectly, the production, transmission or sale of electric power.

Section 2. The provisions of this amendment are cumulative and shall not be construed to repeal Amendment XV or Amendment XXII."

Section 2. An election upon the proposed amendment is ordered to be held on the date of the general election next succeeding the final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter I, Article 18, Title 17 of the Code of Alabama (1940).

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the Senate as Amended July 22, 1965.

Passed the House August 19, 1965.

Act No. 557

S. 279—Cooper, Hawkins, Allen, Oden,
Horton, Montgomery, Givhan,
Tyson, Adams, Hornsby,
Carter, Evans, Reynolds,
Robison (Pickens), Lowe,
Bentley, Taylor, McDow

AN ACT

To amend Sections 2 and 5 of Act No. 157, H. 126, Second Special Session 1963, the act establishing the University of South Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 2 and 5 of Act No. 157, H. 126, Second Special Session 1963, an act providing for establishment of the University of South Alabama (Acts 1963, v. 1, p. 350) are hereby amended to read as follows:

“Section 2. The Board of Trustees shall consist of three members from Mobile County, three members from the state at large, the State Superintendent of Education, the Governor, who shall be ex officio president of the Board, and one each from each of the following state senatorial districts, 21st District comprising Baldwin and Escambia Counties; 19th District comprising Choctaw, Clarke and Washington Counties, 20th District comprising Marengo and Sumter Counties, 16th District comprising Monroe and Wilcox Counties, 30th District comprising Dallas and Lowndes Counties, 17th District comprising Butler, Conecuh and Covington Counties, 25th District comprising Coffee and Crenshaw Counties, 23rd District comprising Dale and Geneva Counties, and the 35th District comprising Henry and Houston Counties. The trustees shall be appointed by the governor, by and with the advice and consent of the state senate, and shall hold office for a term of twelve years, and until their successors shall be appointed and qualified. The board shall be divided into three classes, as nearly equal as may be, so that one-third may be chosen quadrennially, as provided in Section 5. Vacancies occurring in the office of trustee from death or resignation, and the vacancies regularly occurring by expiration of the term shall be filled by the Governor and the appointee shall hold office until the next meeting of the Legislature. Successors to those trustees whose terms expire during an interim shall hold office for the full term unless they are rejected by the Senate. No trustee shall receive any pay or emolument other than his actual expenses incurred in the discharge of his duties as a trustee.

“Section 5. The trustees of the University of South Alabama, other than the ex officio members of the board, shall be grouped into three classes as provided in Section 2. The

members constituting the first class shall first be appointed for terms expiring September 30, 1965; the members of the second class shall be first appointed for terms expiring September 30, 1969; and the members of the third class shall be first appointed for terms expiring September 30, 1973. Their successors shall be appointed for terms of twelve years each."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 26, 1965.

Time: 5:00 P. M.

Act No. 558

S. 434—Hammond

AN ACT

Proposing an amendment to the Constitution of Alabama relative to the development of one or more irrigation districts and water conservation in the State of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed to become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

PROPOSED AMENDMENT

The legislature may by general, special or local laws authorize the formation of a body corporate for the development of one or more irrigation districts for the purposes of providing irrigation and water conservation in the State of Alabama, and may authorize the counties and municipalities lying within the boundaries of such district or districts to contribute public funds to such body corporate, and may authorize such body corporate to enter into contract with the government of the United States or any agency thereof, and with other States or political subdivisions thereof, and with other bodies corporate organized within this or other states for the development of one or more irrigation districts in the State of Alabama, and may authorize such body corporate to issue revenue bonds payable solely out of revenues accruing to such body corporate, and may authorize such body corporate to do and perform all other such acts necessary and proper for the full development of said Alabama irrigation district or districts provided, however, nothing herein shall authorize any such public corporation to engage in or finance, directly or indirectly, the production, transmission or sale of electric power.

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Section 284, and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the Senate as amended August 13, 1965.

Passed the House August 26, 1965.

Act No. 559

H. 1016—Engel, Brewer

AN ACT

Proposing an amendment to the Constitution of Alabama relative to the designation and name of the office of circuit solicitor.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed:

Amendment

The solicitor or prosecuting officer who prosecutes criminal cases for the State in each judicial circuit of Alabama as provided for in Article 6, Section 167 of this Constitution shall hereafter be designated and known as the district attorney. Wherever the words circuit solicitor or words of like import are used in any law of this State they shall be taken to mean the district attorney, unless the context in which such words are used requires a different meaning.

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the House July 30, 1965.

Passed the Senate August 26, 1965.

Act No. 560

H. 1060—Pennington, Reynolds, Baker (Madison), Brewer, Albea, Bailes, Barnett, Bethea (B), Boston, Bowers, Branyon, Brown (Tuscaloosa), Burnham, Campbell (Jackson), Campbell (Tuscaloosa), Cantrell, Casey, Collins (Jefferson), Collins (Mobile), Daniel, Davis, Doggett, Downing, Drake, Edington, Edwards (Escambia), Engel, Gilmore, Glass, Hankins, Hannah, Hawkins, Hester, Hogan, Holladay, Jones (Covington), McDermott, Merrill, Moore, Nabors, Owens, Posey, Pruitt, Rast, Rogers, Salter, Smith, Turner (Crenshaw), Turner (Limestone), Vacca

AN ACT

To propose an amendment to the Constitution of Alabama authorizing the issuance of general obligation bonds of the State of Alabama in principal amount not exceeding one million nine hundred thousand dollars (\$1,900,000) for the purpose of providing and equipping permanent housing facilities for displaying certain exhibits in cooperation with the Department of The Army and the National Aeronautics and Space Administration.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, and shall become a part thereof when approved by a majority of the qualified electors voting thereon and upon proclamation of the Governor.

Proposed Amendment

"The State of Alabama is authorized to become indebted for the purpose of providing and equipping permanent facilities in Madison County, Alabama for displaying certain exhibits in cooperation with the United States Department of The Army and the National Aeronautics and Space Administration, and in evidence of the indebtedness so incurred to sell and issue, in addition to all other bonds of the State, interest bearing general obligation bonds of the State not exceeding one million nine hundred thousand dollars (\$1,900,000) in principal amount. The bonds shall be general obligations of the State of Alabama and the full faith and credit and taxing power of the State are hereby pledged to the prompt and faithful payment of the principal of the bonds and the interest thereon. The proceeds from the sale of such bonds are hereby appropriated and shall be used exclusively for the purpose of paying the expenses incurred in the sale and issuance thereof and for the construction, alteration, improvement, enlargement and equipment of exhibition buildings and related facilities, including parking areas and ramps, roadways, sewers, curbs, and gutters, but not including the purchase of sites therefor. Such buildings and facilities shall be constructed by a space science exhibit commission, or such other state agency as may be created by act of the Legislature, and shall be operated by or in cooperation with the Department of The Army and the National Aeronautics and Space Administration under such arrangements as may be authorized by law.

The Alabama Space Science Exhibit Commission or any instrumentality of the State created and established for the purpose of providing for such facility, its management or control, is hereby vested with the authority to provide for the sale and terms of the bonds and the issuance thereof, subject to the approval of the Governor. The bonds may be sold, executed and delivered at any time and from time to time, may be in such forms, denominations, series and numbers, may be of such tenor and maturities, may bear such date or dates, may be in registered or bearer form either as to principal or interest or both with rights of conversion into another form, may be payable in such installments and at such place or places, may bear interest at such rate or rates payable and evidenced in such manner, and may contain provisions for redemption at the option of the State to be exercised by said commission at such date or dates prior to their maturity and upon payment of such redemption price or prices, all as shall be provided by the said commission in the resolution or resolutions whereunder the bonds are issued. The principal of each series of bonds shall mature in annual installments in such an amount as shall be specified in the

resolution or resolutions of the said commission under which they are issued, the first of which installments shall mature not later than two years after the date of the bonds of such series and the last of which installments shall mature not later than twenty-one years after the date of the bonds of the same series. When each series of bonds is issued, the maturities of the bonds of that series shall, to such extent as may be practicable, be so arranged that during each then succeeding fiscal year of the State the aggregate installments of principal and interest that will mature on all bonds that will be outstanding hereunder, immediately following the issuance of the bonds of that series, will be substantially equal; provided, that the determination by the said commission that the requirements of this sentence have been complied with shall be conclusive of such compliance and the purchasers of the bonds with respect to which such determination is made and all subsequent holders thereof shall be fully protected thereby. None of the bonds shall be sold for less than face value plus accrued interest thereon to the date of delivery, and all of the bonds shall be sold only at public sale or sales, either on sealed bids or at public auction, after such advertisement as may be prescribed by the said commission, to the bidder whose bid reflects the lowest net interest cost to the State computed to the respective maturities of the bonds sold; provided, that if no bid deemed acceptable by the said commission is received all bids may be rejected.

"The bonds shall be signed in the name of the State by the Governor and countersigned by the chairman of the commission and the great seal of the State of Alabama or a facsimile thereof shall be impressed, printed or otherwise reproduced thereon and shall be attested by the signature of the secretary of state; provided that facsimile signatures of any one or any two (but not all) of said officers may be reproduced on such bonds in lieu of their manually signing the same. Coupons attached to the bonds and representing installments of interest thereon shall be signed with the facsimile signature of the state treasurer, which facsimile signature is hereby adopted as due and sufficient authentication of said coupons.

"All bonds issued under the provisions of this amendment, together with the interest income thereon, shall forever be exempt from taxation in this State.

"The proceeds from the sale of bonds hereby authorized, after the payment of all expenses of the sale thereof shall be set apart in a special fund in the state treasury to be designated The Alabama Space Science Exhibit Commission Fund; and such proceeds shall be used solely for the purposes,

hereinabove enumerated, for which the bonds are authorized to be issued.

"The provisions of this amendment shall be self-executing and no further authorization from the legislature shall be a prerequisite to the validity of any bonds issued hereunder. However, the legislature may enact appropriate legislation implementing its provisions."

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the legislature. The election shall be held in accordance with the provisions of Section 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17, of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the House August 3, 1965.

Amended and passed the Senate August 26, 1965.

House Concurred in Senate Amendment August 26, 1965.

Act No. 561

S. 26—Taylor

AN ACT

To require railroads to install and maintain flashing electric signals, bells, or other similar warning devices at intersections of their tracks with certain county roads in Conecuh County, and to prescribe penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. Any person, firm, or corporation engaged in operating a railroad in Conecuh County whose tracks are crossed on a grade crossing by the Brownsville Road at Owassa or whose tracks are crossed on a grade crossing known as "the town crossing" in the town of Castleberry, within ninety days after this Act becomes law, shall install and thereafter maintain flashing electric signals, bells or similar devices warning of the immediate approach of trains at such grade crossings.

Section 2. Any person, firm, or corporation operating a railroad in Conecuh County who is required by Section 1 of this Act to install and maintain flashing electric signals, bells or other warning devices at a grade crossing in such county who fails to install or to maintain any such warning device is guilty of a misdemeanor and shall upon conviction be fined not more than one hundred dollars, and each day of such failure shall constitute a separate offense.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a Law on August 27, 1965 under Section 125 of the Constitution without approval by the Governor.

Act No. 562

S. 27—Taylor

AN ACT

To require railroads to install and maintain flashing electric signals, bells, or other similar warning devices at intersections of their tracks with certain county roads in Butler County, and to prescribe penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. Any person, firm, or corporation engaged in operating a railroad in Butler County whose tracks are crossed on a grade crossing by Butler County Roads Numbers 8, 28, or 30, within ninety days after this Act becomes law, shall install and thereafter maintain flashing electric signals, bells or similar devices warning of the immediate approach of trains at such grade crossings.

Section 2. Any person, firm, or corporation operating a railroad in Butler County who is required by Section 1 of this Act to install and maintain flashing electric signals, bells or other warning devices at a grade crossing in such county who fails to install or to maintain any such warning device is guilty of a misdemeanor and upon conviction shall be fined not more than one hundred dollars, and each day of such failure shall constitute a separate offense.

Section 3. The provisions of this Act are severable. If

any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law on August 27, 1965 under Section 125 of the Constitution without approval by the Governor.

Act No. 563

S. 8—Carter

AN ACT

To provide for the health and welfare of children; requiring the mandatory reporting by physicians, institutions, and others of injuries inflicted, by other than accidental means, upon children under the age of sixteen years; exempting physicians, institutions and others from any liability, civil or criminal, that might otherwise be incurred or imposed for participation in such report; prescribing penalties for failure to report.

Be It Enacted by the Legislature of Alabama:

Section 1. All hospitals, clinics, sanitariums, doctors, physicians, surgeons, nurses, school teachers, pharmacists, social workers, or any other person called upon to render aid or medical assistance to any infant, small child, or child or children under 16 years of age, when such infant, small child, or child or children under 16 years of age is suffering from or has sustained any wound or injury which wound or injury appears to be unusual or of such a nature so as to indicate or raise a suspicion, that such wound or injury was caused by physical abuse, child brutality, child abuse, or neglect, such hospital, clinic, sanitarium, doctor, physician, surgeon, nurse, school teacher, pharmacist, social worker, or such other person called upon to render aid or medical assistance to said infant, small child, or child or children under 16 years of age, shall be required to report the same by telephone immediately, followed by a written report to the chief of police of the city or city and county, or to the sheriff, if the observation is made in an unincorporated territory, or to the nearest child welfare agency offering child protective services; provided, however, that a child who is being furnished Christian Science treatment by a duly accredited Christian Science Practitioner shall not be considered a physically neglected child for the purposes of this section.

Section 2. These reports shall state, if known, the name

of the minor, his whereabouts, the names and addresses of the parents, guardian or caretaker, the character and extent of his injuries. The written report shall also contain, if known, any evidence of previous injuries to said child and any other pertinent information which might establish the cause of such injury or injuries, and the identity of the person or persons responsible for the same.

Section 3. Any person, firm or corporation participating in the making of a report pursuant to this Act or participating in a judicial proceeding resulting therefrom shall in so doing be immune from any liability, civil or criminal, that might otherwise be incurred or imposed.

Section 4. The doctrine of privileged communication shall not be a ground for excluding any evidence regarding a child's injuries or the cause thereof, in any judicial proceeding resulting from a report pursuant to this Act.

Section 5. Any person who shall knowingly fail to make the report required by this Act shall be guilty of a misdemeanor and shall be punished by a sentence of not more than 6 months or a fine of not more than \$500.00.

Section 6. The provisions of this Act are severable. If any part or parts of the Act shall be declared unconstitutional or void, such declaration shall not affect the remainder of this Act.

Section 7. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 26, 1965.

Time: 6:00 P. M.

Act No. 564

S. 208—McDow

AN ACT

To redistrict the State and provide for the election of congressmen by districts, amending Code 1940, Title 17, Section 425.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1940, Title 17, Section 425 is amended to read as follows:

"Section 425. The state is hereby divided into eight congressional districts as follows:

"The first district shall be composed of the counties of Mobile, Washington, Choctaw, Clarke, Monroe and Wilcox.

"The second district shall be composed of the counties of Baldwin, Butler, Conecuh, Covington, Crenshaw, Escambia, Lowndes, Montgomery and Pike.

"The third district shall be composed of the counties of Barbour, Bullock, Chambers, Coffee, Dale, Geneva, Henry, Houston, Lee, Macon, Russell and Tallapoosa.

"The fourth district shall be composed of the counties of Autauga, Dallas, Elmore, Coosa, Clay, Randolph, Cleburne, Calhoun, Talladega, St. Clair; also, Precincts 12, 13, 15, 16, 20, 22 and 50 in Jefferson County, as such precincts were constituted on August 1, 1961.

"The fifth district shall be composed of the counties of Shelby, Bibb, Perry, Marengo, Sumter, Greene, Hale, Chilton, Pickens and Tuscaloosa; also, all that territory in Jefferson County in Precincts 33 and 53, as such precincts were constituted on August 1, 1961.

"The sixth district shall be composed of all that part of Jefferson County not included in the fourth and fifth districts as aforesaid.

"The seventh district shall be composed of the counties of Lamar, Fayette, Marion, Franklin, Walker, Winston, Cullman, Blount, Marshall, Etowah, DeKalb, and Cherokee.

"The eighth district shall be composed of the counties of Colbert, Lauderdale, Lawrence, Limestone, Morgan, Madison and Jackson."

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Approved August 26, 1965.

Time: 6:01 P. M.

Act No. 565

S. J. R. 39—Wilson

SENATE JOINT RESOLUTION

WHEREAS the people in the Town of Dora are anxiously concerned about fulfillment of their urgent need for a new Elementary School of Dora as this school was almost condemned last year; and

WHEREAS funds for such a project will be available soon

as a result of legislation recently enacted; now therefore, be it

RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Board of Education of Walker County should give immediate and favorable consideration to the school needs of the citizens of Dora and provide for the construction, equipment, and operation of a new Elementary & High School of Dora as soon as possible.

Approved August 26, 1965.

Time: 6:05 P. M.

Act No. 566

S. J. R. 40—Wilson

SENATE JOINT RESOLUTION

WHEREAS the people in the Sumiton area of Walker County are anxiously concerned about fulfillment of their urgent need for establishment of a new high school in their section of the county; and

WHEREAS funds for such a project will be available soon as a result of legislation recently enacted; now therefore, be it

RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Board of Education of Walker County should give immediate and favorable consideration to the school needs of the citizens of the Sumiton area and provide for the construction, equipment, and operation of a new high school in this section of Walker County as soon as possible.

RESOLVED FURTHER, That should a new high school be established in the Sumiton area of Walker County as herein requested, the Board of Education shall be authorized to designate and name such school "The Gwin High School" in honor of Dr. P. E. Gwin, an outstanding citizen of Sumiton, who was the first mayor thereof and one of the founders of the town.

Approved August 26, 1965.

Time: 6:06 P. M.

Act No. 567

S. J. R. 58—McDow

SENATE JOINT RESOLUTION

WHEREAS Dr. Jean Clark Browne who with her hus-

band, Dr. W. C. Browne, had practiced medicine in Shelby County since 1946, passed away on July 29; and

WHEREAS Dr. Clark, as she was known professionally, was a highly respected member of numerous medical associations and academies, was secretary-treasurer and past president of the Shelby County Medical Society, was an active and valued member of the civic and cultural life of Shelby County, and recently served in "The Doctor For A Day" program with the current session of this Legislature where she made many friends who mourn her loss; and

WHEREAS Dr. Browne is survived by her husband; two sons, William Craig Browne, Jr. and Clark Browne; a daughter, Miss Majorie Browne of Birmingham; her father, Mr. Vern Clark of Enola, Iowa; five brothers; two sisters; and a grandson; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA. BOTH HOUSES THEREOF CONCURRING, That this body deeply regrets the death of Dr. Jean Clarke Browne and extends its deepest sympathy to the surviving members of her family.

RESOLVED FURTHER that copies of this resolution shall be sent to the members of the doctor's immediate family.

Approved August 26, 1965.

Time: 6:07 P. M.

Act No. 568

S. J. R. 60—Hammond

SENATE JOINT RESOLUTION

WHEREAS, The State of Alabama is constantly striving to further economic development and to accomplish such purpose it becomes increasingly evident that public education is desirable to acquaint small businessmen with the sources of technical and financial assistance available to them both from governmental and private lending agencies; and

WHEREAS, public education through the medium of Seminars is an acceptable and successful manner in which to disseminate information; and

WHEREAS, there will be a Seminar on ECONOMIC POTENTIAL IN ALABAMA, at the Mobile Municipal Auditorium, Mobile, Alabama, on Friday, September 24, 1965, co-sponsored by: The Alabama League of Municipalities; The State Planning and Industrial Development Board; The Alabama Association of County Commissioners; The Alabama Bankers As-

sociation; The Alabama State Bar Association; The Mobile Chapter of The Federal Bar Association; The Alabama Society of Certified Public Accountants; Associated Industries of Alabama; The State Small Business Advisory Council; SMALL BUSINESS ADMINISTRATION; and The Mobile Area Chamber of Commerce; and

WHEREAS, the program at such Seminar will be presented by eminently qualified representatives of the SMALL BUSINESS ADMINISTRATION, joined by participating representatives of Housing and Home Finance Agency; Farmers Home Administration; Urban Renewal Administration; and, Area Redevelopment Administration; and

WHEREAS, practical application of the information afforded by such Seminar can serve to revitalize the industrial economy of this State and make the aspiration of the State of Alabama for a fundamentally sound economic development, a tangible realization; NOW THEREFORE,

BE IT RESOLVED, THAT:

The House of Representatives and the Senate of the State of Alabama, jointly and severally do hereby endorse and recommend the proposed Seminar on ECONOMIC POTENTIAL IN ALABAMA, and urge its attendance by small business men, attorneys, bankers, accountants, Planning and Industrial Development groups, and other interested business and professional persons throughout the State.

Approved August 26, 1965.

Time: 6:09 P. M.

Act No. 569

H. 28—Salter

AN ACT

To amend Section 492 of Title 2 of the Code of Alabama of 1940 relating to the expenditure of funds for compiling agricultural statistics.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 492 of Title 2 of the Code of Alabama of 1940 is hereby amended to read as follows:

“Section 492. To defray the expenses of gathering, compiling and publishing statistics, funds available to the Department of Agriculture and Industries by legislative appropriation, or otherwise, may be expended for this purpose pursuant to budget and allotment as now provided by law.”

Section 2. This Act shall become effective immediately

upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 26, 1965.

Time: 6:10 P. M.

Act No. 570

H. 52—Turner (Crenshaw)

AN ACT

To amend Section 1, Act No. 817, H. 298, Regular Session 1961, relating to supernumerary court reporters.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 817, H. 298, Regular Session 1961 (Acts 1961, v. 2, p. 1204), an act providing for supernumerary circuit court reporters for the State of Alabama, is hereby amended to read as follows:

"Section 1. That when any official circuit court reporter of the State of Alabama:

"(a) Who has served continuously for twelve years as official circuit court reporter in any one or more circuits of Alabama who has become permanently and totally disabled, proof of such disability being made by certificate of three reputable physicians; or

"(b) Who has served continuously for fifteen years as official circuit court reporter in any one or more circuits of Alabama and who is not less than sixty years of age; or

"(c) Who has served in any circuit court of Alabama for not less than twenty-four years.

"While in service as such official circuit court reporter, may elect to become a supernumerary circuit court reporter of the State of Alabama by filing a written declaration to that effect with the Chief Justice of the State of Alabama. If the Chief Justice of the State of Alabama shall find that any such declarant qualified under either subdivision (a), (b) or (c) hereinabove set forth, a commission as supernumerary circuit court reporter of the State of Alabama shall thereupon be issued to such declarant by the Chief Justice of the State of Alabama."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 26, 1965.

Time: 6:12 P. M.

Act No. 571

H. 108—Collins (Jefferson), Nabors,
Sessions, Etheredge, Meeks,
Collins (Mobile)

AN ACT

To amend Title 28 Section 49 of the Code of Alabama (1940), recompiled 1958, to provide that the Superintendent of Insurance shall not grant a certificate of authority to an insurance company to issue policies or make contracts of insurance if the name of such company is so similar to another insurance company already licensed or authorized to do business in this State as is likely to cause uncertainty or confusion, or until such company is duly qualified under the laws of this state to transact the business of insurance, and for other purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. Title 28 Section 49 of the Code of Alabama (1940) recompiled 1958 is hereby amended to read as follows:

The Superintendent of Insurance, before granting certificates of authority to an insurance company to issue policies or make contracts of insurance, shall be satisfied by such examination and evidence as he sees fit to make and require, that such company is duly qualified under the laws of this State, to transact such business therein. The Superintendent of Insurance shall not grant a certificate of authority to an insurance company to issue policies or to make contracts of insurance if the company has or uses a name so similar to that of any other insurance company to whom a certificate of authority has been granted as is likely to create uncertainty or confusion. In case of conflict of names between a company seeking a certificate of authority and one previously licensed or authorized to transact business in this State, the Superintendent of Insurance may, as a condition to the issuance of a certificate of authority, require such insurance company to use in this State such extension or modification of its name as may reasonably be necessary to avoid such conflict.

Section 2. This Act shall become effective immediately upon passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 26, 1965.

Time: 6:11 P.M.

Act No. 572

H. 110—Collins (Jefferson), Nabors,
Sessions, Etheredge, Meeks,
Collins (Mobile)

AN ACT

Relating to insurance companies and permitting companies to carry electronic and mechanical machines constituting data processing systems as admitted assets, and for other purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. Electronic and mechanical machines constituting a data processing and accounting system may be carried as admitted assets by any insurance company in the determination of the financial condition of such company, provided the cost of such machines is at least ten thousand dollars, and provided further that the cost of such machines shall be amortized in full over a period not to exceed ten calendar years.

Section 2. This Act shall become effective immediately upon passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 26, 1965.

Time: 6:12 P. M.

Act No. 573

H. 145—Engel, McDermott, Downing

AN ACT

To amend further Section 14 of Act No. 40, S. 4, Special Session 1956, an act which created and established the Court of General Sessions of Mobile County (Acts 1956, p. 328).

Be It Enacted by the Legislature of Alabama:

Section 1. Section 14 of Act No. 40, S. 4, Special Session 1956, the act which created and established the Court of General Sessions of Mobile County (Acts 1956, p. 328), as amended by an act approved August 13, 1957 (Acts 1957, p. 269), is amended further to read as follows:

"Section 14. The presiding judge of the Court of General Sessions shall appoint a clerk of the court. The clerk shall be appointed without regard to the county merit or civil service system, and shall serve at the will and pleasure of the presiding judge of the said court. He shall be paid an annual salary of six thousand five hundred dollars, in equal monthly installments, from the general fund in the county treasury."

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall take effect on the first day of the first month beginning after its passage and approval of the Governor, or upon its otherwise becoming a law.

Approved August 26, 1965.

Time: 6:15 P. M.

Act No. 574

H. 132—McCorquodale, Carr, Cates, Burns, Nabors, Powell, Slate, Owens, Downing, Tuck, Ingram, Wood, Edington, Davis, Campbell (Jackson), Hawkins, Branyon, Heflin, Stembridge, Cooper, Scurlock, Snell, Meade, Jones (Monroe), McDermott, Daniel, Collins (Mobile), Pierce, Glass, Owen, Edwards (Lowndes), Young, Casey, Moore, Dominick, Avery, Posey, Smith, Jones (Covington), Sullivan, Bailes, Boston, Reynolds, Teel

AN ACT

To provide further for water pollution control, establishing a new Water Improvement Commission and Prescribing its jurisdiction, powers and duties, providing for enforcement of the Act and rules, regulations, and orders of the Commission, prescribing penalties and repealing Act No. 523, Regular Session 1947 (Gen. Act 1947, p. 379) as amended.

Be It Enacted by the Legislature of Alabama:

Section 1. Purpose: The improvement and conservation of the ground and surface waters of the State of Alabama is of utmost importance. The existing water conditions of the state and the right of municipalities, industries and individuals to the reasonable use of such waters so as to promote the continued growth and development of the state, in industry, agriculture, health, recreation and conservation of natural resources is recognized.

Section 2. Definitions. When used in this Act the terms defined shall have the meanings here ascribed to them unless it clearly appears from the context that some other meaning is indicated.

“Commission” means the Water Improvement Commission; and “member” means a member of said Commission.

“Waters” means all waters of any river, stream, water-course, pond, lake, coastal, ground or surface water, wholly or partially within the state.

“Sewage” means water-carried human wastes from residences, buildings, industrial establishments or other places,

together with such ground, surface, storm or other waters as may be present.

"Industrial wastes" means liquid or other wastes resulting from any process of industry, manufacture, trade or business or from the development of any natural resources.

"Other wastes" means decayed wood, sawdust, shavings, bark, lime, refuse, ashes, offal, oil, tar, chemicals and all other substances, except industrial wastes and sewage, which may cause pollution of any surface waters of the state.

"Pollution" means the discharge or deposit of sewage, industrial wastes, or other wastes in such condition, manner or quantity as may cause ground or surface water to be contaminated, unclean, or impure to such an extent as to make said waters detrimental to the public health or to the health of animals, wildlife, fish, marine life or aquatic life; unsuitable with reasonable treatment for use as present or possible future sources of public water supply; or unsuitable for recreational, commercial, industrial, agricultural, or other reasonable uses.

"Person" means any and all persons, natural or artificial, including any individual, firm or association and any municipal or private corporation organized or existing under the laws of this or any other state or county.

"Section 3. Commission created; members, compensation and expenses; meetings; administrative and disbursing agent. (a) There is hereby created a Water Improvement Commission consisting of 14 members as follows: The State Health Officer, who shall be the chairman of the Commission; the Director of the Department of Conservation, who shall be Vice Chairman; the Commissioner of the Department of Agriculture and Industries; the State Geologist; one member representative of municipal government, one member representative of county government; two members representative of wildlife conservation; and six members respectively representative of the following six industries of the state, viz: Mining, Textiles, Chemicals, Lumbering, Paper, Metals.

(b) The four ex-officio members shall hold office as such throughout their respective terms and until the appointment and qualification of their successors as such. The remaining ten members of the Commission shall be appointed by the Governor and shall hold office for a term of six years. The member representative of a municipal government shall be appointed from three nominees made by Alabama League of Municipalities; the member representative of county government shall be appointed from three nominees made by Association of County Commissioners of Alabama, the two mem-

bers representative of wildlife conservation shall be appointed from five nominees made by Alabama Wildlife Federation; the members representative of Mining, Textiles, Chemicals, Lumbering, Paper and Metals shall be appointed from three nominees for each of said industries, such nominations to be made by Alabama Mining Institute for Mining; Alabama Textile Manufacturers Association for Textiles; Alabama State Chamber of Commerce for Chemicals; Alabama Forest Products Association for Lumbering; Associated Industries of Alabama for Paper; and Alabama Mining Institute for Metals. In the event any such organization shall fail to make such nominations within sixty days after receipt of notice from the Chairman of the Commission, the Governor shall make any such appointment of his own discretion. The Technical Secretary of the Commission shall report the absence of any representative from three consecutive meetings to the Commission. The Commission, by majority vote, may declare the position of such absentee representative vacant. If the Commission shall so vote, the Technical Secretary shall forthwith notify the agency of the Commission's action and such agency shall, within sixty days, send to the Governor the names of three nominees and the appointment of a successor shall be made by the Governor in the manner provided for in this section.

(c) Upon the death, resignation or removal of any appointed member, the Governor shall, upon certification thereof to him by the Commission, appoint some qualified person to fill the vacancy for the unexpired term of said member, in the manner provided for in subsection (b).

The term of office of every member shall be from the date of his appointment and qualification until the appointment and qualification of his successor. All members shall have been residents of the State of Alabama for two or more years prior to their appointment. The Chief Sanitary Engineer Division of the Bureau of Sanitation, of the Department of Public Health, shall serve as Technical Secretary to the Commission.

(d) No salary or compensation shall be allowed any member of the Commission for services thereon; this shall not, however, be construed to affect in any way the regular compensation of officials of state departments, who by virtue of their position are members of the Commission, services on the Commission being considered a part of the duties of such officials as representative of the respective departments. Actual and necessary travel subsistence, and other expenses incurred by members in the discharge of their official duties as members of the Commission and by direction or request of the Commission, shall be paid as provided by law from any funds which are or may become available for the purpose of this act.

(e) The Commission shall meet regularly in April and October of each year and special meetings may be held at any time or place determined by the Commission or upon call of the Chairman or upon written request of any five members to take up any matters within its jurisdiction, provided that all members shall be notified of the time and place of any regular or special meeting at least ten days in advance of such meetings.

(f) The Commission shall keep a complete and accurate record of the proceedings of all its meetings, a copy of which shall be kept on file in the office of the Technical Secretary and open to public inspection.

(g) The State Department of Public Health shall be the administrative and disbursing agent for the Commission within the limits of appropriations and funds, which are or which may become available from any source for this purpose.

(h) There is hereby created an Executive Committee of the Water Improvement Commission consisting of five of its members as follows: The State Health Officer who shall be the Chairman of the Executive Committee; the Director of the Department of Conservation; the member representative of Municipal Government; a member representative of industry; and a member representative of Wildlife Conservation. The member representative of industry and the member representative of wildlife conservation shall be appointed by the Chairman and shall serve at the pleasure of the Chairman. The Executive Committee may meet at any time or place upon call by the Chairman and, when the full Commission is not assembled, said Executive Committee may act for the full Commission and shall possess all such powers and jurisdiction of said Commission as may be delegated to it by said Commission provided, however, that every act or order of the Executive Committee shall be promptly reported in writing to each member of the Commission and shall become final and subject to review as the act or order of the Commission pursuant to par. (m) and par. (n) of Sec. 4 of this act seven days after the mailing of such report of the Executive Committee unless within said seven-day period any three or more members of the Commission shall request in writing to the Chairman of the Commission that such act or order of the Executive Committee be submitted to a meeting of the Commission for its review, in which event the Chairman shall submit the matter de novo to a meeting of the Commission, provided, that orders issued by the Executive Committee shall become effective immediately upon issuance and shall continue in effect in accordance with their terms unless changed by review of the Commission.

(i) Eight members of the Commission shall constitute a quorum for the transaction of Commission business.

(j) The incumbent members of the Water Improvement Commission as established under Act No. 523, Regular Session 1947 (Gen. Acts 1947, p. 379), as amended, together with the additional member representative of wildlife conservation as herein provided, and except for the representatives of the University of Alabama and Auburn University, which are deleted, shall constitute the membership of the Commission provided for in this Act and shall continue to serve until their successors are appointed as provided in Section 3 (b) or (c).

Section 4. Powers and duties of Commission; review and enforcement of orders. It shall be the duty of the Commission to control pollution in the waters of the State and it shall specifically have the following powers:

(a) To study and investigate all problems concerned with the improvement and conservation of the waters of the state. To conduct independently and in cooperation with others, studies, investigation, research, and to prepare, or in cooperation with others prepare, a program or programs, any or all of which shall pertain to the purity and conservation of the waters of the State of Alabama or to the treatment and disposal of sewage, industrial wastes, or other wastes which may be the causes of pollution, which studies, investigations, research and program or programs shall be intended to result in the reduction of pollution of the waters of the State of Alabama according to the conditions and particular circumstances existing in the various communities throughout the State of Alabama; to propose remedial measures insofar as practical means are available for abatement of such pollution. To this end the Commission may cooperate with any public agency, including Federal agencies, or with any private agency in the conduct of such experiments, investigations and research, and may receive in behalf of the State of Alabama, any moneys which any such agency may contribute as its share of the cost under any such cooperative arrangement. Provided that such moneys shall be used only for the purposes for which they are contributed, and any unexpended balance remaining after the conclusion of the experiments, investigation and research, or other uses for which such moneys were granted or donated, shall remain to the credit of the Water Improvement Commission Fund unless the terms of such grant, gift, or donation specifically require the return of any unexpended balance.

(b) It shall be the duty of the Commission to conduct surveys with respect to the pollution of any streams in the

state either navigable or not navigable; to establish criteria standards for recognized limits of pollution; and, independently or in cooperation with other agencies, both public and private, to promote, through education and demonstration, water conservation and the abatement of stream pollution.

(c) Every person, municipality, industrial or other establishment, shall furnish to the Commission within a specified time but not less than ninety days after written request therefor, all pertinent information within their knowledge required by it in the discharge of its duties under this Act; provided, however, that no person or industry shall be required to disclose any secret formulae, processes or methods. The fees of witnesses for attendance and travel shall be the same as fees of witnesses before the courts of record and shall be paid from the appropriation for the expenses of the Commission. Any judge of a court of record, either in term time, or vacation, upon application of the Chairman or acting Chairman of the Commission shall compel the attendance of witnesses, the production of books and papers, and the giving of testimony before the Commission or any agent thereof by attachment, or contempt or otherwise, in the same manner as the production of evidence shall be compelled before said court. The Chairman of the Commission shall require the attendance of employees who are needed as witnesses without subpoena. Any member of the Commission or its employees or agents may enter any property, or any industrial or other establishment at any reasonable time for the purpose of collecting such information and no owner or official in charge shall refuse to admit such member, employee or agent for all purposes necessary to the discharge of his official duty.

(d) It shall be the duty of the Commission to render a formal report biennially to the Governor and each succeeding legislature in regular session assembled, of its activities and progress, and including any recommendations for amendment to this Act.

(e) It shall be the further duty of the Commission to extend its cooperation and to advise with industries and municipalities relative to the control of waste and other deleterious matter of pollutive nature and to make available to industries and municipalities the benefits of its studies and findings.

(f) It shall be the duty of the Commission to exercise general supervision over the administration and enforcement of all laws relating to pollution of the waters of the state. Whenever the Commission determines that any person is violating or is about to violate any of the provisions of this Act or any rule or order of the Commission promulgated there-

under, the Commission may notify such person of such determination of the Commission. The notice may be served by registered mail or by an officer empowered to serve process under existing laws or by an officer or agent of the Commission. Within such time as may be specified in such notice, such person shall file with the Commission a full report, showing steps that have been taken and are being taken to control such discharge or pollution. Thereupon, the Commission may make such orders as in its opinion are deemed reasonable.

(g) It shall be the duty of the Commission, after notice as hereinafter provided to establish such standards of quality for any waters in relation to their reasonable and necessary use as shall be in the public interest, recognizing that because of variable factors and varied use of waters, no single standards of treatment and no single standard of quality are practical, and that the degree of treatment of sewage and industrial waste must take into account the present and future uses, and such general policies relating to existing or proposed future pollution as it shall deem necessary to accomplish the purposes of this Act, and to modify, amend or cancel the same. Any provision of law to the contrary notwithstanding, the quantity of pollution existing in an effluent at any time shall be subject to the control of the Commission if it creates a health hazard. Prior to establishing standards as herein provided, the Commission shall cause to be published in a newspaper published in and of general circulation in each county within which any such waters, wholly or partially, are located, a notice in substantially the following forms:

NOTICE

Of Water Improvement Commission

Notice is hereby given that a meeting of the Water Improvement Commission of the State of Alabama will be held on the _____ day of _____, 19____, at _____ for the purpose of establishing standards of quality in those certain waters in the county or counties of _____ Alabama, described as follows _____ (Describe Waters) _____. Anyone desiring to be heard may appear at said meeting.

Water Improvement Commission

By: _____
Chairman

Such notice shall be published once a week for three consecutive weeks prior to the holding of any meeting of the Commission for consideration of such standards; provided, however, in any county where no such newspaper is available

for publishing said notice, the prescribed notice shall be posted at the county courthouse of said county for a period of three weeks prior to holding of any such meeting of the Commission.

(h) It shall be the duty of the Commission to receive and examine applications, plans, specifications and other data and to issue permits for the discharge of sewage, industrial waste and other waste into the waters of the state, stipulating in each permit the conditions under which such discharge may be permitted. Any order of the Commission with respect to the issuance of a permit shall be subject to review and appeal by the applicant as provided in subsection (n).

(i) It shall be the duty of the Commission, and it shall have the authority to adopt rules and regulations to carry out the provisions of this Act.

(j) It shall be the duty of the Commission to issue reasonable orders directing particular persons responsible for pollution to secure within a reasonable time to be specified by the Commission such operating results toward the control or abatement of pollution as the Commission may prescribe in accordance with this Act. (1) Every person who, prior to the effective date of this Act, is discharging any pollution into any waters of this state under a permit of the then existing Commission may continue to do so under said permit unless and until the Commission takes steps to modify the terms of the permit. (2) Every person who, subsequent to the effective date of this Act, begins discharging any new or increased pollution into any waters of this state shall apply to the Commission in writing for a permit and shall obtain such permit before discharging such pollution. (3) Every person, who, prior to the effective date of this Act, is discharging any pollution into any waters of this state without a permit covering such discharge may, in accordance with the terms of this Act, be required by the Commission to apply for such a permit as a condition of continuing such discharge. Whenever the Commission may determine after survey and investigation of a particular discharge of pollution for which no permit has been issued that such discharge may not meet the requirements of this Act or the rules and regulations or orders of the Commission, as the same may be applicable to such discharge, the Commission must require the municipality, industry or person discharging such pollution to apply for a permit with respect thereto. The applicant shall be granted a temporary permit upon his representation that a study looking toward improvement or control of the pollution is underway or will be instituted. The applicant shall be allowed a reasonable time, not exceeding six months, in which

to develop and submit a plan to the Commission. If the plan submitted is satisfactory and approved by the Commission, a permanent permit shall be issued subject to compliance within seven years with such plan; however, if the plan is not satisfactory as submitted, the applicant shall be allowed a further period, not exceeding six months, in which to submit a revised plan. The Commission shall act on any such plan not later than six months subsequent to the submission of such plan. A person who does not submit a plan satisfactory to the Commission as herein provided shall be required to install within seven years thereafter, such waste systems, devices or methods as the Commission determines necessary to control his pollution and as may be in conformity with the provisions of this Act.

Any and all pollution shall be subject to immediate control of the Commission if it creates, or is about to create, a health hazard.

(k) The Commission shall investigate from time to time the discharge of pollution into the waters of the State, and if such investigation discloses that the discharge is not being made by a permittee in accordance with terms and specifications of a permit, the Commission may issue to the permittee an order to cease and desist from the acts or practices specified in the order.

(l) The Commission may enter into agreement with the responsible authorities of the Federal Government and of other states, subject to the approval of the Governor, relative to policies, methods, means and procedures to be employed to control pollution of any interstate waters and to carry out such agreements by appropriate general and special orders. This power shall not be deemed to extend to the modification of any agreement with any other state concluded by direct legislative act, but unless otherwise expressly provided, the Commission shall be the agency for the administration and enforcement of any such legislative agreement.

(m) When the Commission makes any order directing any person or persons to do or not to do any act specified therein, a copy of such order shall be served upon such person or persons by registered mail or by other method provided in subsection (b) for service of process, and such person or persons may within a period of 30 days after such service, obtain a review of the order as provided in subsection (n). If no such review is obtained, then at the expiration of said period of 30 days after such service, the order of the Commission shall become final and conclusive. Service by registered mail as provided in this Act shall be had by mailing to the person to be served, postage prepaid, the papers to be served. The

envelope containing such papers shall be marked "For Delivery Only to the Person to Whom Addressed" and a return receipt to be addressed to the Commission shall be demanded of the post office authority. Such return receipt when received shall be filled in the Commission's records and any entry shall be made upon such records of the date that the return receipt was received. Such receipt and record entry shall be prima facie evidence of service of process upon the person to whom the registered letter was addressed and serviced, for the purposes of this Act, shall be dated from the date of the receipt by the Commission of the return receipt.

(n) Any person who shall feel himself aggrieved by any rule or order of the Commission shall have the right to obtain a review thereof by filing with the Commission, within the time provided in subsection (m), a sworn petition setting forth the grounds and reasons for his complaint and asking for a hearing of the matter involved. The Commission shall thereupon fix the time and place of such hearing and shall notify the petitioner thereof by registered mail not less than ten days in advance of the hearing. At any time prior to the commencement of the hearing, any person may become an intervenor in the proceedings by filing a sworn petition setting forth facts showing that his rights may be prejudiced by an order of the Commission in the matter involved. The Commission and its members shall have full power to subpoena witnesses for the Commission, for the petitioner and for any intervenor, to administer oaths, examine witnesses under oath and conduct the hearing. At such hearing, the petitioner and any intervenor may appear, present witnesses and submit evidence. The order of determination of the Commission shall be served on the petitioner and any intervenor by registered mail or by other method provided in subsection (f) for service or process. At the expiration of 30 days from the date of serving on the parties such order or determination of the Commission upon the matters included in the hearing, the said order shall become final and conclusive unless the petitioner, or any intervenor whose rights are prejudiced by said order of the Commission, shall, within such period of 30 days after the service of such final order, appeal to the circuit court of Montgomery County, Alabama, by giving cost bond with sufficient sureties payable to the state, in such amount not less than \$100.00 or more than \$500.00 as may be fixed in the order appealed from said cost bond to be filed with and approved by the Chairman of the Commission, who shall forthwith certify to the circuit court to which the appeal is taken, the said cost bond together with a certified copy of the record of all proceedings of the Commission in the matter appealed from, but not including a transcript of the testimony of witnesses or other

evidence. Said matter shall be tried de novo on the equity side of said circuit court and shall be a preference case on the docket thereof. On such trial the court shall have jurisdiction to determine whether said order of the Commission is lawful, and whether the same is reasonable, and whether a polluted condition of any water or waters exists or is about to exist as set forth in the order appealed from, and to affirm, modify or wholly set aside such order, it being the intent and purpose of this Act that the order of said Commission, when appealed as hereinabove provided, shall be final and conclusive only when so determined by such court. The judgment of the circuit court shall be certified to the Commission. Any party to such action may within 30 days after judgment appeal to the Supreme Court of Alabama under the same procedure as governs appeals from courts of equity, if a supersedeas is desired by the party appealing, he may apply therefor to the judge of the court from which said appeal is taken, who shall award a writ of supersedeas, without additional bond, if, in his judgment, material damage is not likely to result thereby. Otherwise, said judge shall require such supersedeas bond as he deems proper, made payable to the State of Alabama in such amount as he shall require.

(o) The State Department of Public Health shall make such inspections, conduct such investigations, and do such other things as may be necessary to cooperate with the Commission in carrying out the provisions of this Act.

(p) Upon complaint made by the Commission, any person found guilty of willfully violating Section 4 or any order of the Commission which is made in pursuance of the provisions of this Act and which has become final and conclusive as provided in this Act shall be deemed guilty of a violation of the provisions of this Act which shall be punishable by a fine of not less than one-hundred dollars nor more than ten-thousand dollars.

(q) The Commission may recover damages by action at law in the circuit court for loss or destruction of wildlife, aquatic, fish or marine life caused by pollution of the waters of the state resulting from the wrongful act, omission or negligence of a person. Both punitive and compensatory damages may be recovered in a case where the pollution resulted from willful or wanton conduct on the part of the polluter; compensatory damages alone may be awarded when the pollution is caused by a negligent act or omission. Damages shall not be allowed in any case when the pollution is the result of an act of God. Such suits shall be filed in the name of the state by the Attorney General, at the direction of the Commission, in the county, or in the case of more than one county, in

any county in which such wildlife, aquatic, fish or marine life or any part thereof were so destroyed or killed. Such sums as may be recovered as punitive or compensatory damages for the loss or destruction of wildlife, aquatic, fish or marine life shall be credited to the Game and Fish Division of the Department of Conservation, said sums to be expended for the betterment and improvement of the affected waters, including restocking of fish.

Section 5. Funds, facilities and personnel. The Commission is authorized to accept and use such funds, facilities, or personnel as may be or may become available for the purposes of this Act, either directly to the Commission or in any of the state departments or from Federal or other agencies represented; but nothing herein shall be construed to limit, modify, or supersede any of the powers or duties of said cooperating departments or agencies unless in direct conflict with this Act, nor to interfere with the power of each such department or agency to determine the disposition of funds specifically appropriated to it and to select, employ and control all of its employees regardless of the fact that said employees may be assigned and devoting the whole or a part of their time to work under the direction of the Commission. There is hereby created and there shall be a fund which shall be known as the Water Improvement Commission Fund. This fund shall consist of: (a) All moneys appropriated to the Commission by the State Legislature of Alabama; (b) All moneys received by the Commission by appropriation from county or municipal governments; (c) All gifts, grants, bequests or donations from individuals, associations, corporations, or industries; (d) All moneys derived through any source of Federal Aid; and (e) All moneys accruing to the Commission from any source whatever. The fund shall be used and expended by the Chairman of the Commission in accordance with the terms of the gift, grant, bequest, appropriation or donation from which said moneys are derived, and in the absence of any such terms or stipulations shall be expended by the Chairman of the Commission in furtherance of any of the provisions of this Act. All necessary expenses of the Commission shall likewise be paid out of said fund on the requisition of the Chairman of the Commission as may be deemed advisable. The Commission is authorized to employ such consultants and fulltime technical and clerical and other workers as are necessary and within the available funds to carry out the purposes of this Act. The Technical Staff to be employed by the Commission shall be selected from, but not limited to, the following professional groups: sanitary engineer, chemical engineer, biochemist, geologist, fish culturist, mining engineer, agricultural engineer, forest engineer, analytical chemist, agronomist, bacteriologist, and biologist.

Section 6. Act intended to supplement existing law. This Act is intended to supplement existing law, and no part thereof shall be construed to repeal any existing laws specifically enacted for the protection of health or the protection of fish and game of the state; however, Act No. 523, Regular Session of 1947 (Gen. Acts 1947, p. 379) as amended, is hereby expressly repealed.

Section 7. The members of the Water Improvement Commission who are serving their terms upon the effective date of this act together with the additional member representative of wildlife conservation herein provided and except for the members representative of the University of Alabama and Auburn University, which are deleted, shall, upon the effective date of this Act, become members of the Commission herein established, it being the intent that the present membership of the Water Improvement Commission together with said additional member and except for the two members deleted shall constitute and become the new Commission with the terms of each of the members remaining unchanged. In respect to said additional member representative of wildlife conservation herein provided, the said Alabama Wildlife Federation, within sixty days after this bill becomes a law, shall submit five nominees for said membership to the Governor who shall appoint from said five names so submitted the additional member representative of wildlife conservation whose term shall begin immediately at the time of said appointment. The term of said additional member shall run concurrently with that of the other or incumbent member representative of wildlife conservation and shall expire at the same time, and thereafter the appointment of said two members representative of wildlife conservation shall be at the same time and their terms shall run concurrently. All of the matters pending before the Water Improvement Commission upon the effective date of this Act shall, upon the effective date of this Act, be transferred to the jurisdiction of the new Commission, and all actions heretofore taken and jurisdiction heretofore exercised by the Water Improvement Advisory Commission or Water Improvement Commission, as the case may be, shall be considered in all respects as having been acts of the new Commission. All personnel who are in the employ of or are assigned to the Water Improvement Commission upon the effective date of this Act shall, upon the effective date of this Act, become the employees of or assigned to the new Commission. All books, records, equipment, facilities, funds allocated to or in its possession (including unexpended appropriations), notes and accounts receivable and all other property of every kind whatsoever of the Water Improvement Commission upon the effective date of this Act shall, upon the effective date of this Act, be transferred to, vest in

and become the property of the new Commission, and all contracts, leases, debts, obligations and liabilities of every kind whatsoever of the Water Improvement Commission upon the effective date of this Act shall, upon the effective date of this Act, be transferred to, inure to the benefit of and be binding upon the new Commission, it being the intent of this Act that the new Commission supersede and replace, but continue all business and affairs of, the Water Improvement Commission.

Section 8. If any clause, sentence, paragraph, provision, part of section of the Act shall for any reason be adjudged by any court of competent jurisdiction invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, provision part or section thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 9. This Act shall take effect three months from the date of its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 26, 1965.

Time: 6:16 P. M.

Act No. 575

H. 297—Fite

AN ACT

Relating to Marion County; authorizing the Director of Conservation under certain conditions to promulgate certain rules and regulations for the taking of non-game fish from the public waters of Marion County by the use of wire baskets, levying certain taxes, prohibiting the sale of such fish, and prescribing penalties for violations of the provisions of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. The Director of the Department of Conservation is hereby authorized and empowered to promulgate rules and regulations authorizing the taking, catching or killing of non-game fish from the public waters of Marion County by the use of wire baskets having a mesh of one inch or more, provided, however, that the Director of the Department of Conservation shall only promulgate such a regulation upon the written petition of the state representative and state senator from Marion County.

Section 2. Any person desiring a license to fish with such wire basket in areas where they may be legalized by regulation, as provided for above, may apply to the probate

judge or other appropriate licensing authority in Marion County and shall pay a privilege license tax of one dollar (\$1.00) for each wire basket with which he proposes to fish. The judges of probate, license commissioners or other persons authorized and designated to issue fishing license shall be entitled to a fee of fifteen cents for each license so issued, which fee shall be in addition to the amount designated in this Act as the cost of such license.

The revenue derived from the sale of the license provided for in this Act shall be remitted to the Department of Conservation on the first day of each month by the issuing officer and shall be covered into the state treasury to the credit of the game and fish fund.

Section 3. It shall be illegal for any person to obtain more than four (4) such licenses or fish with more than four (4) such baskets.

Section 4. Any basket or baskets that may become legal for use in the waters of the county under the provisions of this Act shall be clearly marked with the name of the licensee operating, using and owning said basket and the license number of said basket.

Section 5. All wire baskets not marked in accordance with the provisions of the preceding section shall be destroyed upon discovery by any officer, agent or employee of the Department of Conservation.

Section 6. Only non-game fish may be taken, captured or killed by means of any basket that may become legal for use in this county under the provisions of this Act. All game fish taken in such baskets shall immediately be returned to the waters from whence taken with the least possible harm.

Section 7. The licenses provided for in this Act shall not be sold to any person holding a commercial fishing license or engaged in the business of commercial fishing, and it shall be unlawful for any persons holding a wire basket license or using a wire basket under the provisions of this Act to sell or offer for sale any fish within or without this county. (It is the specific intent of this Act to allow the use of wire baskets to catch fish for personal consumption only.)

Section 8. It shall be illegal for any person to raise, inspect or take fish from any wire basket that may be legalized under the provisions of this Act unless such person shall hold in his name and have in his possession the license for the particular basket he is raising, inspecting or from which he is taking fish. Nothing in this section shall prevent the raising

of such baskets for inspection by any officer, agent or employee of the Department of Conservation.

Section 9. Any person who violates the provisions of this Act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than \$25. In addition, all basket licenses for such person shall be revoked, and no other such licenses shall be issued to him until the expiration of a period of 3 years from the date of such conviction.

Section 10. All laws or parts of laws, general, local or special, in conflict with this Act are hereby repealed.

Section 11. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 12. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 26th, 1965.

Time: 6:17 P. M.

Act No. 576

H. 298—Fite

AN ACT

To make an appropriation from the Marion County treasury for the relief of L. C. Wilson.

Be It Enacted by the Legislature of Alabama:

Section 1. The sum of \$200 is hereby appropriated from the gasoline tax funds of Marion County to the use of L. C. Wilson of said county to compensate him for injuries he received while engaged in the performance of his duties as an employee of the road and bridge department of Marion County. The chairman or presiding judge of the Marion County governing body is authorized and directed to draw a proper warrant in favor of the said L. C. Wilson, which shall be paid upon its presentation to the county treasurer or custodian of county gasoline tax funds. The appropriation so made is for the purpose of discharging a just and equitable obligation of the county.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 26th, 1965.

Time: 6:18 P. M.

Act No. 577

H. 328—Goodwyn, Turner (Crenshaw)

AN ACT

TO AMEND SECTION 1(j), ACT NO. 100, SECOND SPECIAL SESSION LEGISLATURE OF 1959, SO AS TO MAKE THE SALE OF TANGIBLE PERSONAL PROPERTY TO UNDERTAKERS AND MORTICIANS A SALE AT RETAIL.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1(j), Act No. 100, Second Special Session Legislature of 1959, is hereby amended to read as follows:

Section 1(j). The term "sale at retail" or "retail sale" shall mean all sales of tangible personal property except those above defined as wholesale sales. The quantities of goods sold, or prices at which sold, are immaterial in determining whether or not a sale is at retail. Sales of building materials to contractors, builders, or landowners for resale or use in the form of real estate are retail sales in whatever quantity sold. Sales of tangible personal property to undertakers and morticians are retail sales and subject to the tax at the time of purchase, but are not subject to the tax on resale to the consumer. Sales of tangible personal property or products to manufacturers, quarry operators, mine operators, or compounders, which are used or consumed by them in manufacturing, mining, quarrying or compounding and do not become an ingredient or component part of the tangible personal property manufactured or compounded are retail sales. The term "sale at retail" or "retail sale" shall also mean and include the withdrawal, use or consumption of any tangible personal property by anyone who purchases same at wholesale, except property which has been previously withdrawn from the business or stock and so used or consumed and with respect to which property the tax has been paid because of such previous withdrawal, use or consumption, and except property which enters into and becomes an ingredient or component part of tangible personal property or products manufactured or compounded for sale and not for the personal and private use or consumption of any person so withdrawing, using or consuming the same, and such wholesale purchaser shall report and pay the taxes thereon.

Section 2. This Act shall become effective on the first day of the month next following the month of its passage and approval or otherwise becoming a law.

Approved August 26th, 1965.

Time: 6:19 P.M.

Act No. 578

H. 355—Turnham, Crawford

AN ACT

To revise and amend Section 74(46) of Title 36 of the Code of Alabama, 1940, all of which relates to security required, suspension of licenses and registrations under the Motor Vehicle Safety-Responsibility Act.

Be It Enacted by the Legislature of Alabama:

Section 74(46) Title 36 of the Code of Alabama, 1940, all of which relates to the security required; suspension of licenses and registrations under the Motor Vehicle Safety-Responsibility Act is hereby revised and amended to read as follows:

Section 74(46) Title 36.—**Security required; suspension of licenses and registrations.**—(a) Security required unless evidence of insurance — When security determined. — If 20 days after the receipt of a report of a motor vehicle accident within this state which has resulted in bodily injury or death, or damage to the property of any one person in excess of \$50, the director does not have on file evidence satisfactory to him that the person who would otherwise be required to file security under subsection (b) of this section has been released from liability, or has been finally adjudicated not to be liable, or has executed a duly acknowledged written agreement providing for the payment of an agreed amount in installments with respect to all claims for injuries or damages resulting from the accident, the director shall determine the amount of security which shall be sufficient in his judgment to satisfy any judgment or judgments for damages resulting from such accident as may be recovered against each operator or owner.

(b) Suspension.—The director shall, within 60 days after the receipt of such report of a motor vehicle accident, suspend the license of each operator and all registrations of each owner of a motor vehicle in any manner involved in such accident, and if such operator is a nonresident the privilege of operating a motor vehicle within this state, and if such owner is a nonresident the privilege of the use within this state of any motor vehicle owned by him, unless such operator or owner or both shall deposit security in the sum so determined by the director; provided notice of such suspension shall be sent by the director to such operator and owner not less than 10 days prior to the effective date of such suspension and shall state the amount required as security. Where erroneous information is given the director with respect to the matters set forth in subdivisions 1, 2 or 3 of subsection (c) of this section, he shall take appropriate action as hereinbefore provided, within 60 days after receipt by him of correct information with respect to said matters.

(c) Exception.—This section shall not apply under the conditions stated in Section 74(47) nor:

1. To such operator or owner if such owner had in effect at the time of such accident an automobile liability policy with respect to the motor vehicle involved in such accident;

2. to such operator, if not the owner of such motor vehicle, if there was in effect at the time of such accident an automobile liability policy or bond with respect to his operation of motor vehicles not owned by him;

3. to such operator or owner if the liability of such operator or owner for damages resulting from such accident is, in the judgment of the director, covered by any other form of liability insurance policy or bond; nor

4. to any person qualifying as a self-insurer under Section 74(75), or to any person operating a motor vehicle for such self-insurer.

No such policy or bond shall be effective under this section unless issued by an insurance company or surety company authorized to do business in this state except that if such motor vehicle was not registered in this state, or was a motor vehicle which was registered elsewhere than in this state, at the effective date of the policy or bond, or the most recent renewal thereof, such policy or bond shall not be effective under this section unless the insurance company or surety company if not authorized to do business in this state shall execute a power of attorney authorizing the director to accept service on its behalf of notice or process in any action upon such policy or bond arising out of such accident; provided, however, every such policy or bond is subject, if the accident has resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than \$10,000 because of bodily injury to or death to one person in any one accident and, subject to said limit for one person, to a limit of not less than \$20,000 because of bodily injury to or death of two or more persons in any one accident, and, if the accident has resulted in injury to or destruction of property, to a limit of not less than \$5,000 because of injury to or destruction of property of others in any one accident.

Section 74(46)A.—This act shall become effective on January 1, 1966 following its passage and approval by the Governor, or its otherwise becoming law.

Approved August 26, 1965.

Time: 6:20 P.M.

Act No. 579

H. 356—Turnham, Crawford

AN ACT

To revise and amend Section 74 (56) of Title 36 of the Code of Alabama, 1940, all of which relates to payments sufficient to satisfy requirements under the Motor Vehicle Safety-Responsibility Act.

Be It Enacted by the Legislature of Alabama:

Section 74 (56) Title 36 of the Code of Alabama, 1940, all of which relates to payments sufficient to satisfy requirements under the Motor Vehicle Safety-Responsibility Act, is hereby revised and amended to read as follows:

Section 74 (56) Title 36.—**Payments sufficient to satisfy requirements.**—Judgments herein referred to shall, for the purpose of this subdivision only, be deemed satisfied:

1. When \$10,000 has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of one person as the result of any one accident; or

2. When, subject to such limit of \$10,000 because of bodily injury to or death of one person, the sum of \$20,000 has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of two or more persons as the result of any one accident; or

3. When \$5,000 has been credited upon any judgment or judgments rendered in excess of that amount because of injury to or destruction of property of others as a result of any one accident.

Provided, however, payments made in settlement of any claims because of bodily injury, death or property damage arising from a motor vehicle accident shall be credited in reduction of the amounts provided for in this section.

Section 74 (56) A—This Act shall become effective on January 1, 1966 following its passage and approval by the Governor, or its otherwise becoming law.

Approved August 26, 1965.

Time: 6:49 P. M.

Act No. 580

H. 379—Hester, Meade, Boston, Hannah

AN ACT

Further regulating purchasing by or for the use of the state highway department.

Be It Enacted by the Legislature of Alabama:

Section 1. All motor fuels, oils, greases, and lubricants bought by or for the state highway department for use in each county in which the construction, maintenance, and repair of the county roads and bridges have been transferred to the state highway department shall be purchased from vendors and suppliers residing in the county where such motor fuels, oils, greases, and lubricants are to be used. All such purchases shall be made on the basis of competitive bids, and contracts and purchase orders shall be awarded to the lowest responsible bidder as provided by law.

Section 2. The division of purchases and stores of the state finance department, with the approval of the state highway department, shall make rules and regulations relating to the manner of advertising for bids, receiving bids, and executing contracts for such items as are enumerated in Section 1.

Section 3. Any contract entered into or any purchase order issued prior to the adoption of this Act shall remain in full force and effect until the terms thereof have been complied with.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 26, 1965.

Time: 6:21 P. M.

Act No. 581

H. 399—Fite, Hester, Drake

AN ACT

To make an appropriation to the use of Watershed Associations and Watershed Conservancy Districts.

Be It Enacted by the Legislature of Alabama:

Section 1. The sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated from any funds in the State Treasury not otherwise appropriated, for each of the fiscal years ending September 30, 1966 and September 30, 1967, to Bear Creek Watershed Association, a

non-profit corporation organized under Code of Alabama, Title 10, Section 150, for the purpose of promoting the development of public improvements. There is likewise appropriated for each fiscal year ending September 30, 1966 and September 30, 1967 the sum of two thousand five hundred dollars to each of the following: Crooked Creek Watershed Conservancy District; Ketchepedrakee Creek Watershed Conservancy District; and Lost Creek Watershed Conservancy District for the purpose of promoting the development of public improvements. The money herein appropriated shall be paid out by the State Treasurer out of any money in the State Treasury not otherwise appropriated upon warrants issued by the State Comptroller; and the State Comptroller shall issue his warrant upon requisitions signed by the President or Comptroller of Bear Creek Watershed Association, Crooked Creek Watershed Conservancy District, Ketchepedrakee Creek Watershed Conservancy District or Lost Creek Watershed Conservancy District and approved by the Governor.

Section 2. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This Act shall become effective October 1, 1965.

Approved August 26, 1965.

Time: 6:22 P. M.

Act No. 582

H. 402—Fite

AN ACT

To fix the compensation of certain State Officers.

Be It Enacted by the Legislature of Alabama:

Section 1. The State Auditor, the Secretary of State and State Treasurer, each shall receive an annual salary of Twelve Thousand Dollars (\$12,000) payable out of any funds in the State Treasury, not otherwise appropriated, in equal monthly installments as the salaries of other State Officers are paid.

Section 2. All laws in conflict herewith are hereby repealed.

Section 3. The provisions of this Act shall not become effective until the beginning of the next terms of office of said officers.

Approved August 26, 1965.

Time: 6:24 P. M.

Act No. 583

H. 508—Boston, Hannah

AN ACT

To provide further for the supplemental compensation of the Circuit Solicitor in every circuit composed of only one county having two Circuit Judges and a population of not less than 60,500 nor more than 65,000 inhabitants according to the last or any subsequent federal decennial census; providing that the supplemental compensation herein provided shall be in lieu of any and all other salary supplements heretofore authorized.

Be It Enacted by the Legislature of Alabama:

Section 1. Beginning with the next term of office of the Circuit Solicitor in any judicial circuit composed of only one county having two Circuit Judges and a population of not less than sixty thousand five hundred nor more than sixty five thousand inhabitants according to the last or any subsequent federal decennial census, the salary of the Circuit Solicitor, shall be supplemented by the county composing any such circuit by an amount equal to one-fourth of the salary now or hereafter paid such Solicitor by the State of Alabama. The supplement hereby authorized shall be paid in equal monthly installments out of the general fund in the county treasury, shall be in addition to the salary paid the Solicitor by the State, and shall be in lieu of any and all other salary supplements heretofore authorized.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 26, 1965.

Time: 6:28 P. M.

Act No. 584

H. 449—Fite

AN ACT

To provide for and authorize the incorporation of a public corporation as a political subdivision of the State to be named Bear Creek Development Authority, for the development of Bear Creek, its tributaries and watershed, for the purposes of navigation, water conservation and supply, flood control, irrigation, industrial development, public recreation and related purposes; to provide for the composition of the board of directors of the Authority; to specify the powers and duties of the Authority and its board of directors; to authorize the Authority to investigate the resources of the Bear Creek watershed, to determine requirements for its full development and control, and to carry out a unified comprehensive program of resource development, together with other powers to effectuate the foregoing objective; to

authorize the Authority to acquire land and interests in land by purchase, construction, lease, condemnation or otherwise, and to hold, manage and sell such land and interests therein; to make provisions respecting the establishment and revision of rates, fees and charges for services rendered by the Authority; to provide for the issuance by the Authority for any of its corporate purposes of interest-bearing revenue bonds and notes payable solely out of the revenues of the Authority or out of the revenues of any particular facilities and other property of the Authority, without regard to the specific facilities and other property with respect to which such bonds and notes may have been issued; to provide that such bonds and notes shall constitute negotiable instruments; to provide that such bonds and notes may be secured by a pledge of the revenues from which they are payable, by contracts binding the Authority for the proper application of its revenues and the proceeds of such bonds and notes and by a non-foreclosable mortgage or deed of trust or statutory mortgage lien on the facilities and other property out of the revenues from which such bonds and notes are payable, and to provide that bonds and notes of the Authority may be issued under a trust indenture; to provide for constructive notice of any such statutory mortgage lien; to authorize and make provisions respecting the assumption by the Authority of obligations respecting facilities and other property acquired by the Authority; to provide for the use of the proceeds of bonds and notes issued by the Authority; to provide for the refunding, by the issuance of bonds and notes of the Authority, of bonds and notes therefore issued or obligations theretofore assumed by it; to provide that bonds and notes issued and contracts entered into by the Authority pursuant to this Act shall not constitute or create a debt of the State or of any county, municipality or other political subdivision of the State; to authorize Marion, Colbert, Franklin and Winston Counties and the municipalities located therein to contribute money to the Authority, without the necessity of an election and with or without consideration therefor; to exempt from all taxation in this State, the Authority, its property, corporate activities, income, revenues, bonds and notes, the income from its bonds and notes, and conveyances, leases and mortgages and deeds of trust to which the Authority is a party, and to exempt the Authority from payment of certain charges to Judges of Probate; to provide that the Authority shall be exempted from regulation and supervision by the Public Service Commission and the State Department of Finance; to provide for the use of public roads in the State by the Authority; and to provide for certain annual reports by the Authority.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. The following words and phrases used in this Act, and others evidently intended as the equivalent thereof, shall, in the absence of clear implication herein otherwise, be given the following respective interpretations herein:

“Authority” means the public corporation organized pursuant to the provisions of this Act.

“Board” means the board of directors of the Authority.

“Bonds” means and shall include bonds and notes.

“County” means a county in the state.

“Director” means a member of the board of directors of the Authority.

"Governing body" means the Court of County Commissioners, Board of Revenue, or other like governing body of a county.

"Municipality" means an incorporated city or town of the state.

"Person," unless limited to a natural person by the context in which it is used, includes a public or private corporation, a municipality, a county, or an agency, department or instrumentality of a county or municipality, of one or more of the several states, or of the United States of America.

"Property" means and includes real and personal property, and interests therein.

"State," in the absence of clear implication herein otherwise, means the State of Alabama.

"Watershed" means and includes all land in the counties of Marion, Colbert, Franklin and Winston, lying within fifteen miles of Bear Creek and any of its tributaries.

"Herein," "hereby," "hereunder," "hereof," and other equivalent words refer to this Act as an entirety and not solely to the particular section or portion thereof in which any such word is used.

The definitions set forth herein shall be deemed applicable whether the words defined are used in the singular or plural. Whenever used herein any pronoun or pronouns shall be deemed to include both singular and plural and to cover all genders.

Section 2. Purpose and Nature of the Authority. In the interest of the unified development of Bear Creek and its tributaries and watershed, for the purposes of navigation, water conservation and supply, flood control, irrigation, industrial development, public recreation and related purposes, there is hereby authorized, and shall be established as hereinafter provided, a development Authority for the Alabama portion of the Bear Creek watershed. The Authority, when incorporated in accordance herewith, shall be a public corporation and a political subdivision of the State of Alabama, composed of a board of directors selected and empowered as hereinafter provided.

Section 3. Number and Composition of the Board of Directors. The board of directors of the Authority shall consist of fourteen members, designated herein as directors, as follows:

- (a) The governing body of each of the counties of Marion,

Colbert, Franklin, and Winston, shall appoint a director of the Authority who shall be a person residing in the county whose governing body makes the appointment and who shall be active in municipal, industrial, agricultural, commercial, or citizen organizations engaged in promoting comprehensive and unified development of the resources of the Bear Creek watershed as a basis for its general economic growth. The terms of office of each director so appointed shall be six years, the term of the first directors so appointed to commence on the date on which there shall be filed with the Judge of Probate of Franklin County the certificate of incorporation provided for in Section 4 hereof. The governing body of each of the above-named counties shall appoint successors to the first director so appointed by it, and any vacancy in the office of a director so appointed by it shall be filled by the same governing body by another appointment for the unexpired term.

(b) Each Governor of Alabama shall appoint a director from his cabinet or staff, to serve during the term of office of the Governor making the appointment. Any vacancy in the office of a director so appointed shall be filled by appointment by the same Governor for the unexpired term.

(c) The mayor or other chief executive officer of each of the municipalities of Red Bay, Vina, Hodges, Hackleburg, Bear Creek, Haleyville, Phil Campbell, Russellville and Cherokee, and their successors, shall serve as directors during the respective term of office of such mayor or other chief executive officer.

Section 4. Procedure to Incorporate; Contents of Certificate of Incorporation. To become a corporation, the persons who are designated to become members of the initial board of directors of the Authority, as provided in section 3 of this Act, shall present to the Judge of Probate of Franklin County, a certificate of incorporation signed by them which shall contain: (1) the name and official residence of each of the said persons; (2) the term of office of each of the said persons as such directors; (3) the name of the proposed corporation which shall be Bear Creek Development Authority; (4) the location of the principal office of the proposed corporation which shall be in one of said named counties; and (5) any other matter relating to the incorporation that the said persons may choose to insert and which is not inconsistent with this Act or the laws of the State of Alabama. The certificate of incorporation shall be accompanied by: (i) a certificate by the clerk of each of the municipalities of Red Bay, Vina, Hodges, Hackleburg, Bear Creek, Haleyville, Phil Campbell, Russellville and Cherokee, which certificate shall identify the mayor or other chief executive officer of such municipality and shall set forth

the date on which the current term of office of the mayor or other chief executive officer will expire; (ii) a certificate by the clerk of each governing body of the counties of Marion, Colbert, Franklin and Winston, which certificate shall set forth the date on which the term of office of each member of such governing body expires; (iii) a certified copy of a resolution adopted by each of the governing bodies of the counties of Marion, Colbert, Franklin and Winston, appointing a director from such county; and (iv) a certified copy of an order of the Governor appointing a director. The signing of the certificate of incorporation by any person as mayor or other chief executive officer of one of the aforementioned municipalities shall be void unless, at the time of such signing and at the time the Authority comes into existence, the said person is the mayor or other chief executive officer of such municipality; the signing of the certificate of incorporation by any person appointed as a director by the governing body of any county shall be void unless, at the time the Authority comes into existence, at least two-thirds of the membership of such governing body is the same as the membership at the time of the adoption by such governing body of a resolution appointing such person as a director; the signing of the certificate of incorporation by any person as the director appointed by the Governor shall be void unless, at the time the Authority comes into existence, the same Governor is in office who appointed such person. The certificate of incorporation shall be subscribed and sworn to by each of the said persons before an officer authorized by the laws of this state to take acknowledgments to deeds. The said Judge of Probate shall examine the certificate of incorporation presented to him and, if he finds that it substantially complies with the requirements of this section, he shall receive and file it, and shall record it in an appropriate book of records in his office. When the certificate of incorporation has been made, presented, filed and recorded as herein provided, the said persons shall constitute a public corporation under the aforesaid name, and the Authority shall thereupon come into existence. There shall be no fees paid to the Judge of Probate for any work done in connection with the incorporation above provided for.

Section 5. Meetings of the Board of Directors. As soon as may be practicable after completion of the incorporation as provided in Section 3 and 4 hereof, the board of directors shall hold their first meeting at Red Bay, Alabama, elect a Chairman, Vice Chairman, and Secretary-Treasurer, set a regular time and place for meetings of the board, and attend to such other matters as may be appropriate. The Chairman and Vice Chairman shall be elected from the membership of the board; the Secretary-Treasurer may, but need not, be elected from the membership of the board.

(b) Directors shall serve without compensation, except reimbursement for actual traveling expenses and other necessary expenses incurred in the performance of their official duties, such expenses to be reimbursed from such funds as may be available to the Authority.

(c) The quorum necessary for the board of directors to hold valid meetings and to take valid action or transact business shall be seven members. Nothing herein shall be construed to authorize the acquisition by eminent domain of any real property or rights owned or controlled by railroads or utilities, both public or private.

Section 6. General Powers of the Authority. The general powers, duties, and functions of the Authority shall be as follows:

(a) **General.** The Authority:

(1) Shall have perpetual succession in its corporate name; (2) May sue and be sued in its corporate name; (3) May adopt, use, and alter a corporate seal, which shall be judicially noticed; (4) May enter into such contracts and cooperative agreements with Federal, State, and local governments, with agencies of such governments, and with private individuals, corporations, associations, and other organizations, including the Bear Creek Watershed Association, Inc., whether organized under the laws of Alabama or of another state, as the board may deem necessary or convenient to enable it to carry out the purposes of this Act, which authorization shall include without limitation contracts and cooperative arrangements with any of the several states, and with counties and municipalities in and agencies of such states; (5) May adopt, amend, and repeal by-laws; (6) May appoint managers, officers, employees, attorneys, and agents as the board deems necessary for the transaction of its business, fix their compensation, define their duties, and require bonds of such of them as the board may determine, the salaries of any such employees to be paid out of such funds as may be available to the Authority from any source.

The Authority may institute legal proceedings in any court of competent jurisdiction and proper venue; provided, that the Authority may not be sued or subjected to a counter-claim, cross-claim, set-off or recoupment in any court other than the courts of Franklin County, Alabama; and provided, further, that the officers, directors, agents and employees of the Authority may not be sued or subjected to a counter-claim, cross-claim, set-off or recoupment for actions in behalf of the Authority in any court other than the courts of Franklin County, Alabama; and provided, further, that no

claim or cause of action, based wholly or in part upon allegations which call into question the validity of the Authority, shall be heard or adjudicated in any court other than the courts of Franklin County, Alabama.

(b) Formulation and Execution of Development Plans. The Authority is authorized to:

(1) Investigate the resources of the Bear Creek watershed and determine the requirements for its full development and for control and development of its stream system as an integral part of the economy of the area; (2) Develop and carry out a unified, comprehensive program of resource development designed to encourage and assist the economic growth of the area, which program shall not be inconsistent with official programs for statewide economic development; (3) Provide for the construction of water control structures, channel improvements, and other facilities for navigation, drainage, irrigation, water conservation and supply, industrial development, recreation and related purposes, as a part of comprehensive plans; (4) Arrange with the state and with any city, county, municipality, or supplier of utilities, for the abandonment, relocation, or other adjustments of roads, highways, bridges, and utility lines; (5) In making investigations and in formulating and executing development plans, seek and utilize the assistance of appropriate federal, state and local agencies and of private citizens and citizen organizations and in aid of such activities, accept loans, grants, or other assistance from federal, state, and local governments or from agencies of such governments, and make contracts and execute instruments containing such terms, provisions, and conditions as the board in its discretion deems to be necessary, proper, or advisable for the purpose of obtaining such loans, grants, or other assistance.

(c) Land Acquisition. The Authority may acquire by purchase, construction, lease, gift, condemnation or otherwise, property of any kind, real, personal, or mixed, or any interest therein, that the board deems necessary or convenient to the exercise of its powers or functions; provided, that acquisition by condemnation shall be limited to lands, rights in land, including leaseholds and easements, and water rights in the Bear Creek watershed that the board determines to be necessary to the control and optimum development of Bear Creek and its tributaries, including such lands adjacent to or in the immediate vicinity of water control reservoirs as the board determines to be necessary to assure full development and optimum use of such reservoirs for the purposes of navigation, water conservation and supply, flood control, irrigation, industrial development, public recreation and related purposes.

The amount and character of the interests in land, rights in land, and water rights to be acquired in such area shall be determined by the board of directors, and its determination shall be conclusive. The Authority's power of eminent domain may be exercised under Title 19 of the Code of Alabama, and any amendments thereto, or pursuant to any other general statutory provisions hereafter enacted for the exercise of the power of eminent domain. The Authority is expressly authorized to acquire by condemnation or otherwise and hold for resale or lease to private or other industrial organizations land or interests in land in the Alabama portion of the Bear Creek watershed that it determines to be suitable for industrial uses, and such acquisition is hereby declared to be for the public purpose of the state's industrial development and for the increase of industrial employment opportunities.

(d) Management and Operation. The Authority may:

(1) Enter into contracts with the United States, with the several states and with individuals, private corporations, associations, municipalities, and other public agencies, or political subdivisions of any kind, for the sale of water for municipal, domestic, agricultural or industrial use, or for the sale of any other services, facilities or commodities that the Authority may be in a position to supply; (2) Acquire and develop reservoirs and shoreline lands and provide for their operation for industrial, recreational, and other uses directly or by concessionaires, licensees, lessees, or vendees of shoreline lands; (3) Sell or lease shoreline lands, or any interest therein, in connection with development of the stream system, for uses consistent with the Authority's development plan and subject to such restrictions as the Authority deems necessary for reservoir protection and subject to such requirements as to character of improvements and activities and the time within which such improvements or activities shall be undertaken as the Authority deems appropriate to its over-all development plan; (4) Acquire or operate shoreline lands of reservoirs owned by the United States of America, as the agent of the federal agency having custody and control thereof under appropriate agreements with such agencies; (5) Acquire, construct, or operate such other facilities or works of improvement as are necessary to effectuate plans for the comprehensive development of the area; (6) Make and enforce reasonable rules and regulations governing the use of any facilities and other property owned, controlled or operated by the Authority; (7) Provide for such insurance as the board may deem advisable; (8) To fix and revise from time to time reasonable rates, fees and other charges for the sale of water for municipal, domestic, agricultural or industrial use, or for the sale of any other services, facilities or commodities that the Authority may be in a position to supply.

(e) **Financing.** The Authority may:

(1) Sell and issue its bonds from time to time in order to provide funds for any corporate function, use, or purpose, all such bonds to be payable solely out of the revenues derived from the facilities and other property of the Authority or out of the revenues of any particular facilities and other property of the Authority; and (2) Secure such bonds by a pledge of all or any of the revenues which may now or hereafter come to the Authority from any source, by a mortgage or deed of trust covering the Authority's land or any part thereof, or under the provisions of a trust indenture, or by a combination of one or more thereof; provided, that all obligations created or assumed and all bonds issued by the Authority shall be solely and exclusively obligations of the Authority and shall not create an obligation or debt of the state or of any county or municipality.

Section 7. Rates and Charges. Rates, fees and charges for services rendered by the Authority from any of its facilities shall be fixed and from time to time revised by the Authority; provided, that such rates, fees and charges shall be so fixed as at all times to provide funds at least sufficient (a) to pay the cost of operating, maintaining, repairing, replacing, extending and improving the facilities and other property from which such services are rendered; (b) to pay the principal of and the interest on all bonds issued and obligations assumed by the Authority, that are payable out of the revenues derived from the operation of those facilities, as the said principal and interest become due and payable; (c) to create and maintain such reserves for the foregoing purposes or any of them as may be provided in any mortgage and deed of trust or trust indenture executed by the Authority hereunder or in any resolutions of the board of directors authorizing the issuance of bonds, the assumption of any obligation, or the acquisition of any such facilities and other property, and (d) to make such annual payments, if any, to the United States of America or any agency or instrumentality thereof, the several states, municipalities, counties, departments, authorities, agencies and political subdivisions of the several states and any public corporations organized under the laws of the several states as the Authority may have contracted to make.

Any schedule or schedules of rates and other charges adopted by the board (i) may provide for the rendition by the Authority to customers served by it of combined statements or bills for service furnished from one or more of its facilities, (ii) may permit the Authority to decline to accept payment of charges for service from any of its said facilities, without payment of charges for service at the same premises from any one or more of its other facilities, (iii) may provide for discontinuance of service from any or all of its facilities at any premises with

respect to which there is a delinquency in the payment of charges for service from any part of the facilities of the Authority, and (iv) may provide for the payment of connection fees, disconnection fees, and reconnection fees, and (v) may require, as a prerequisite to the rendition of any service, the making of a deposit as security for payment of bills, on which deposit the Authority shall not be obligated to pay or allow interest.

Section 8. Bonds of the Authority. All bonds issued by the Authority shall be signed by the Chairman of its board of directors and attested by its Secretary-Treasurer, and the seal of the Authority shall be affixed thereto, and any interest coupons applicable to the bonds of the Authority shall be signed by the said Chairman; provided, that a facsimile of the signature of one, but not both, of said officers may be printed or otherwise reproduced on any such bonds in lieu of his manually signing the same, a facsimile of the seal of the Authority may be printed or otherwise reproduced on any such bonds in lieu of being manually affixed thereto, and a facsimile of the signature of the Chairman of its board of directors may be printed or otherwise reproduced on any such interest coupons in lieu of his manually signing the same. Any such bonds may be executed and delivered by the Authority at any time and from time to time, shall be in such form and denominations and of such tenor and maturities, shall contain such provisions not inconsistent with the provisions of this Act, and shall bear such rate or rates of interest, payable and evidenced in such manner, as may be provided by resolution of the board. Bonds of the Authority may be sold at either public or private sale in such manner and at such price or prices and at such time or times as may be determined by the board to be most advantageous. The principal of and interest on any bonds and other securities issued or obligations assumed by the Authority may thereafter at any time (whether before, at or after maturity of any such principal and whether at, after or not exceeding six months prior to the maturity of any such interest) and from time to time be refunded by the issuance of refunding bonds of the Authority, which may be sold by the Authority at public or private sale at such price or prices as may be determined by the board to be most advantageous, or which may be exchanged for the bonds or other obligations to be refunded. The Authority may pay all expenses, premiums and commissions which the board may deem necessary and advantageous in connection with any financing done by it. All bonds issued by the Authority shall be construed to be negotiable instruments although payable solely from a specified source. All obligations created or assumed and all bonds issued by the Authority shall be solely and exclusively an obligation of the Authority and shall not create an obligation or debt of any county or municipality;

provided, that the provisions of this sentence shall not be construed to release the original obligor from liability on any bond or other obligation assumed by the Authority. All bonds issued by the Authority shall be limited or special obligations of the Authority payable solely out of the revenues of the Authority specified in the proceedings authorizing those bonds. Any such proceedings may provide that the bonds therein authorized shall be payable solely out of the revenues derived from the operation of all facilities owned by the Authority, or solely out of the revenues from the operation of any part of such facilities, regardless of the fact that those bonds may have been issued with respect to or for the benefit of only certain particular facilities and other property of the Authority. The Authority may pledge for the payment of any of its bonds the revenues from which such bonds are payable, and may execute and deliver a trust indenture evidencing any such pledge or a mortgage and deed of trust conveying as security for such bonds the facilities and other property, or any part thereof, the revenues or any part of the revenues from which are so pledged. Any mortgage and deed of trust or trust indenture made by the Authority may contain such agreements as the board of directors may deem advisable respecting the operation and maintenance of the property and the use of the revenues subject to such mortgage and deed of trust or affected by such trust indenture, and respecting the rights, duties, and remedies of the parties to any such instrument and the parties for the benefit of whom such instrument is made; provided, that no such instrument shall be subject to foreclosure.

Section 9. Contracts to Secure Bonds and Assumed Obligations. As security for payment of the principal of and interest on bonds issued or obligations assumed by it, the Authority may enter into a contract or contracts binding itself for the proper application of the proceeds of bonds and other funds, for the continued operation and maintenance of any facilities owned by it, or any part or parts thereof, for the imposition and collection of reasonable rates for and the promulgation of reasonable regulations respecting any service furnished from such facilities, for the disposition and application of its gross revenues or any part thereof, and for any other act or series of acts not inconsistent with the provisions of this Act for the protection of the bonds and other obligations being secured and the assurance that the revenues from such facilities will be sufficient to operate such facilities, maintain the same in good repair and in good operating condition, pay the principal of and interest on any bonds payable from such revenues, and maintain such reserves as may be deemed appropriate for the protection of the bonds, the efficient operation of such facilities, and the making of replacements thereof and capital improve-

ments thereto. Any contract pursuant to the provisions of this section may be set forth in any resolution of the board of directors authorizing the issuance of bonds or the assumption of obligations or in any mortgage and deed of trust or trust indenture made by the Authority hereunder.

Section 10. Statutory Mortgage Lien. Any resolution of the board of directors, or trust indenture, under which bonds may be issued pursuant to the provisions of this Act may contain provisions creating a statutory mortgage lien, in favor of the holders of such bonds and of the interest coupons applicable thereto, on the facilities and other property (including any after-acquired property) out of the revenues from which such bonds are made payable. The said resolution of the board of directors, or the said trust indenture, may provide for the filing for record in the office of the Judge of Probate of each county in which any part of such facilities or other property may be located of a notice containing a brief description of such facilities or other property, a brief description of such bonds, and a declaration that said statutory mortgage lien has been created for the benefit of the holders of such bonds and the interest coupons applicable thereto, upon such facilities and other property, including any additions thereto and extensions thereof. Each Judge of Probate shall receive, record and index any such notice filed for record in his office. The recording of such notice, as herein provided, shall operate as constructive notice of the contents thereof.

Section 11. Proceeds from Sale of Bonds. All moneys derived from the sale of any bonds issued by the Authority shall be used solely for the purpose or purposes for which the same are authorized and any costs and expenses incidental thereto. Such costs and expenses may include but shall not be limited to (1) the fiscal, engineering, legal and other expenses incurred in connection with the issuance of the bonds, (2) in the case of bonds issued to pay costs of construction, interest on such bonds (or, if a part only of any series of bonds is issued for construction purposes, interest on that portion of the bonds of that series that is issued to pay construction costs) prior to and during such construction and for not exceeding one year after completion of such construction, and (3) in the case of bonds issued for the purpose of refunding principal and interest, or either, with respect to bonds issued or obligations assumed by the Authority, any premium that it may be necessary to pay in order to redeem or retire the bonds or other obligations to be refunded.

Section 12. Exemption from Taxation. The Authority, its income, the property of the Authority while owned by it, all bonds issued by the Authority, the income from such bonds, conveyances by or to the Authority, and leases, mortgages, and

deeds of trust by or to the Authority shall be exempt from all taxation in the State of Alabama. The Authority shall not be obligated to pay or allow any fees, taxes or costs to the Judge of Probate of any county in respect of its incorporation, the amendment of its certificate of incorporation, or the recording of any document. No license or excise tax may be imposed on the Authority in respect of the privilege of engaging in any of the activities authorized by this Act.

Section 13. Monetary Contributions by Counties and Municipalities. Marion, Colbert, Franklin and Winston Counties, and the municipalities named in section 3(c) hereof are each hereby authorized and empowered to contribute to the Authority any amount or amounts of money, either with or without consideration therefor, that their respective governing bodies, acting in their sole discretion without the necessity of authorization at any election of qualified electors, shall approve to be paid from the general fund of the respective county or municipality. Governing bodies of such counties or municipalities are hereby empowered to levy and collect ad valorem taxes within constitutional limits for such purposes, which are hereby declared to be for municipal and county public purposes.

Section 14. Freedom of Authority from Public Service Commission and Other State Supervision and Control. This Act is intended to aid the State of Alabama in the execution of its duties by providing an appropriate and independent political subdivision of the state with full and adequate powers to fulfill the functions herein authorized. Except as in this Act expressly otherwise provided, no proceeding, notice or approval shall be required for the incorporation of the Authority or the amendment of its certificate of incorporation, the acquisition of any property or facilities, or the issuance of any bonds, mortgage and deed of trust, or trust indenture. The Authority, its facilities and other property, and the rates and charges thereof shall be exempt from all jurisdiction of, and all regulation and supervision by, the Public Service Commission. Neither a public hearing nor the consent of the State Department of Finance shall be prerequisite to the issuance of bonds by the Authority. Nothing herein shall be construed to repeal the requirement for obtaining the permit provided for in Section 130 of Title 22 of the Code of Alabama of 1940, as amended.

Section 15. Use of Public Roads. The Authority is hereby authorized to use the rights of way of all public roads in the state without securing the prior approval of the state or of its agencies or departments or the governing body of any county and subject only to the necessity of obtaining the municipal consent required by Section 220 of the Constitution of Alabama; provided, however, that nothing herein shall be construed to

exempt the Authority from the requirements of Section 28 of Title 23 of the Code of Alabama of 1940, as amended; and provided, further, that the Authority shall have the duty to restore at its expense all roads, highways and public rights of way in which it may have made excavations or done other work in laying pipes or performing any of its other corporate functions.

Section 16. Annual Reports. The board of directors of the Authority shall report annually to the Governor of Alabama and shall likewise report annually to the governing bodies of Marion, Colbert, Franklin and Winston Counties and the incorporated municipalities named in section 3(c) hereof. Such reports shall include a statement of financial receipts and expenditures, and a summary of all activities and accomplishments for the period and proposed plans for the next year.

Section 17. Cooperation of State Agencies. All agencies of the State are hereby authorized and directed to extend their cooperation and lend assistance to the Authority in the formulation and implementation of its development program.

Section 18. Advisory Board. For the purpose of coordinating its activities with the needs and undertakings of other local organizations and groups, the board of directors may establish an advisory board consisting of the chairman of the board of directors of the Authority (who shall be chairman of the advisory board), and of sufficient members to represent adequately so far as feasible industry, commerce, agriculture, recreation, the general public, any official planning and developmental bodies in the area, and organized citizens groups working for the development of the Bear Creek watershed.

Section 19. Construction of Act. This Act shall be considered supplemental and additional to any and all other laws and confers sufficient power in and of itself for the purposes set forth herein. This Act shall be liberally construed to effectuate its purpose of facilitating the development of the resources of the Bear Creek watershed.

Section 20. Severance in Event of Partial Invalidity. If any provision of this Act or application thereof to any person or circumstances should be held invalid, such invalidity shall not affect any other provisions or application of the Act which can be given without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Section 21. Enabling Legislation; When Effective. This Act is intended to implement the provisions of an amendment to the Constitution of Alabama, as proposed by the current session of the Legislature, relating to the subject expressed therein, and is enacted pursuant thereto. If the constitutional amendment is

ratified, this Act shall thereupon become effective immediately; if the proposed amendment is not ratified, this Act shall have no effect.

Approved August 26, 1965.

Time: 8:45 P. M.

Act No. 585

H. 688—Brewer, Slate

AN ACT

To provide for service of process upon certain corporations.

Be It Enacted by the Legislature of Alabama:

Section 1. When process against any corporation organized under the laws of this State or having one of its principal places of business in this State cannot be served due to the failure of such corporation to elect officers or appoint agents, their absence from the State for the period of six months before the issuing of said writ, or because they are unknown, it shall be the duty of the officer to return said writ, with the causes of his inability to serve the same noted thereon, and upon the return of said writ as aforesaid, the judge of the court from which the same shall have issued shall make an order at the request of any party at any time, setting forth the names of the parties, the nature of the action, suit or other proceeding, the court in which the same has been instituted, and requiring the said corporation to appear and defend the said action, suit or other proceeding, and the publication of said order once a week for the space of four weeks in some newspaper in the county in which said action, suit or other proceeding shall be instituted, or if there be none then published in such county, then in the newspaper published nearest to the county seat where such suit is pending, shall be a full and sufficient notification to the said corporation and those claiming through it of the institution of said action, suit or other proceeding. However, no judgment by default or decree pro confesso shall be taken or rendered against said corporation until due proof shall have been made of the publication of said order, as hereinbefore provided.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Section 4. The provisions of this Act are severable. If

any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Approved August 26, 1965.

Time: 6:30 P.M.

Act No. 586

H. 717—Hannah, Boston

AN ACT

Relating to the office of the sheriff of counties having populations of not less than 61,000 nor more than 65,000; creating a civil service board of appeals, regulating tenure of employment for deputies, and prescribing the authority and the qualifications, terms, duties, and compensation of members of the board.

Be It Enacted by the Legislature of Alabama:

Section 1. For the purposes of this Act the following words shall have the following meaning:

“County” shall mean a county having not less than 61,000 nor more than 65,000, according to the most recent federal decennial census.

“Deputy” shall mean any person deputized and regularly employed by the sheriff of the county, and whether or not such employment is regular employment shall be determined by the court of county commissioners or other like county governing body.

“Court of County Commissioners” shall mean the existing county governing body or any succeeding county governing body performing the function of the court of county commissioners.

“Civil service board of appeals” shall mean the board created by this Act.

Section 2. This Act shall apply to all regularly employed deputies of the sheriff, except the chief deputy who shall not be subject to the provisions herein. Provided, however, any deputy sheriff who is promoted to the position of chief deputy shall be entitled to the right of reemployment as a deputy upon completion of his term as chief deputy.

Section 3. There shall be created a civil service board of appeals for the purpose of regulating the tenure of employment of certain deputies in the office of the sheriff. Such board shall be composed of the court of county commissioners, including its chairman, and two additional members to be appointed, one of whom shall be appointed by the court of county commissioners and one by the sheriff of the county. One of the two members originally appointed shall serve for

a term of four years and one for a term of six years, and they shall draw lots to determine the length of term each shall serve. Thereafter all appointed members shall serve for terms of six years each and until their successors are appointed and qualified. Members of the court of county commissioners, including the chairman, who shall serve on such board during their respective terms of office on the county governing body shall serve without additional compensation.

No person shall be eligible to appointment who holds any civil office of profit under the federal, state, county or city government, or is a candidate for such office. All appointed members shall be bona fide residents and qualified electors of the county, and shall be persons of recognized character and ability. Vacancies on the board shall be filled for unexpired terms in the same manner as original appointments. Appointed members of the board shall be entitled to receive ten dollars for each day actually served in transacting the business of the board, but no member shall in any case receive more than two hundred fifty dollars (\$250) in any one year, such sums to be paid out of the general fund of the county.

Section 4. The civil service board of appeals shall meet in organizational session in the county courthouse within thirty days after this Act shall become effective, at which time it shall elect a chairman from among its members, and shall meet at such other times as the chairman shall designate or on call of any four of its members.

Section 5. No deputy sheriff to whom this Act applies shall engage in partisan politics or make political contributions nor use or attempt to use any political endorsement or favor in connection with his employment as a deputy, nor shall any deputy use or attempt to use any official authority or influence in connection with the vote or political action of any person or for any consideration. Provided, nothing in this Act shall be interpreted to prevent any deputy from exercising his right to express his opinion privately and to cast his vote. No deputy shall be demoted or dismissed from his position or in any way favored or discriminated against with respect to his employment because of his political or religious opinions or affiliations.

Section 6. Any deputy, to whom this Act applies, who has been given permanent status may be disciplined through suspension, demotion or dismissal. Before any deputy may be suspended or demoted, he must be given written notice at least five days in advance of such cause of action, and no suspension shall be for more than thirty days duration in any twelve months period.

Section 7. Any deputy, to whom this Act applies, may be dismissed for good cause by giving him written notice of the cause, and such deputy shall have an opportunity within a specified period of not less than seven nor more than thirty days to answer the charges made against him and to ask for a hearing before the civil service board of appeals created herein. The board shall thereupon order the charge or complaint to be filed forthwith in writing and shall hold a hearing de novo on such charges. No deputy shall be removed, discharged or demoted except for some personal misconduct, or fact, rendering his further tenure harmful to the public interest, or for some cause affecting or concerning his fitness or ability. If such removal, dismissal or demotion is appealed to the civil service board of appeals, then the same shall become final only after a hearing upon the written charges or complaint has been had, and after an opportunity has been given to the deputy to face his accusers, and to be heard in his own defense. Pending a hearing on said appeal, the affected deputy may be suspended. After such hearing the civil service board of appeals may order such deputy to be reinstated, demoted, removed or discharged or suspended, or take such other disciplinary action as in its judgment is warranted by the evidence and under the law.

Section 8. Charges may be filed by any resident of the county as follows: the charges must be in writing, must set forth succinctly the matter or matters complained of, and must be sworn to before any member of the board or before any person authorized to administer oaths. Upon the receipt of such charges, the board, after due consideration, shall determine whether in its opinion it considers that the good of the service will be served by a trial thereon; and, if not, such charges may be dismissed by the board. If in the judgment of the board, such charges are of a minor nature, the charges may be referred to the sheriff who shall make an investigation and file his recommendations concerning such charges with said board within such time specified by said board as to what disciplinary action, if any, should be taken. After receipt of such recommendation and after due notice is given to the deputy affected, the board in its discretion, may adopt and order executed such recommended action or part thereof, as it deems appropriate. If, however, the complainant or affected deputy, or both, shall object to the recommendation of the sheriff, the civil service board of appeals shall hold a public hearing de novo on the charges, and take such disciplinary action as in its judgment is warranted by the evidence and under the law.

All hearings before the civil service board of appeals shall be open to the public, provided that when a written waiver of a public hearing, signed by the complainant and the affected

deputy, is filed with said board, the public may, in the discretion of the board be excluded. All testimony given in all hearings before said board shall be recorded verbatim whenever the complainant or the affected deputy requests that such record be made. In all cases, the decision of the board shall be reduced to writing and entered in the record. Said board shall have power to administer oaths, take depositions, and issue subpoenas to compel the attendance of witnesses and production of papers necessary as evidence in any hearing or investigation or proceedings within the purview of this Act.

Section 9. Any deputy aggrieved by the decision of the civil service board of appeals may appeal such decision to the circuit court of the county within thirty days from the rendition of the decision. Review by the court shall be without a jury and be confined to the record, and to a determination of the questions of law presented. The findings of fact of the civil service board of appeals shall be final and conclusive.

Section 10. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 11. All laws or parts of laws which conflict with this Act are repealed.

Section 12. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 26, 1965.

Time: 6:31 P. M.

Act No. 587

H. 725—Hogan, McDermott, Engel, Edington

AN ACT

To amend further Section 788 of Title 37, Code of Alabama 1940, as amended, relating to municipal planning commissions in all cities having populations of not less than 200,000 nor more than 300,000 according to the most recent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 788 of Title 37, Code of Alabama 1940, as amended is further amended to read as follows:

“Section 788. The commission shall consist of nine members, namely, the mayor, one of the administrative officials of the municipality selected by the mayor, and a member of the council to be selected by it as members ex-officio, and six persons who shall be appointed by the mayor, if the mayor be an

elective officer, otherwise by such officer as council may in the ordinance creating the commission designate as the appointing power; provided, however, that in any city having, according to the last or any succeeding federal census, a population of more than three hundred thousand inhabitants, the commission shall consist of sixteen members, namely, the mayor, one of the administrative officials of the municipality selected by the mayor, two members of the council to be selected by it, all as members ex-officio, and twelve persons who shall be selected by the council. In addition to the regular members, in all cities having populations of not less than 200,000 nor more than 300,000, two supernumerary members shall be appointed to serve on such board at the call of the chairman only in the absence of regular members, and while so serving have and exercise the power and authority of regular members. All members of the commission shall serve as such without compensation, and the appointed members shall hold no other municipal office, except that one of such appointed members may be a member of the zoning board of adjustment or appeals, except in all cities having populations of not less than two hundred thousand nor more than three hundred thousand, according to the most recent federal decennial census, wherein no member of such commission may be a member of the zoning board of adjustment or appeals and wherein all members of such commission shall be bona fide residents and qualified electors of such cities. The terms of ex-officio members shall correspond to their respective official tenures, except that the term of the administrative official selected by the mayor shall terminate with the term of the mayor selecting him. The term of each appointed member shall be six years or until his successor takes office, except that the respective terms of five of the members first appointed shall be one, two, three, four, and five years; provided, however, that in any city having a sixteen-member commission as provided above, the respective terms of five pairs of the members first appointed by council shall be one, two, three, four and five years. And provided further, that in all cities having populations of not less than 200,000 nor more than 300,000, the term of each appointed member of the commission shall be for three years. Members other than the member selected by council may, after a public hearing, be removed by the mayor for inefficiency, neglect of duty, or malfeasance in office; provided, further, that in any city having a sixteen-member commission as provided above, members may, after a public hearing, be removed by council for any of the above reasons or for continued failure to attend meetings. Council may for like cause remove the member or members selected by it. The mayor or council, as the case may be, shall file a written statement of reasons for such removal. Vacancies occurring otherwise than through the ex-

piration of term shall be filled for the unexpired term by the mayor in the case of members selected or appointed by him, by council in the case of the council-manic member or other members selected by it, and by the appointing power designated by council in municipalities in which the mayor is not an elective officer."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 26, 1965.

Time: 6:32 P. M.

Act No. 588

H. 726—Hogan, McDermott, Engel, Edington

AN ACT

Further amending Section 781, Title 37, Code of Alabama 1940, as amended; prescribing certain qualifications for membership of the board of adjustment in cities of not less than 200,000 nor more than 300,000 population according to the most recent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 781, Title 37, Code of Alabama 1940, as amended is further amended to read as follows:

"Section 781. In availing itself of the powers conferred by this article, the legislative body of any incorporated city or town may provide for the appointment of a board of adjustment, and in the regulations and restrictions adopted pursuant to the authority of this article, may provide that the said board of adjustment shall in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of the ordinance in harmony with its general purposes and interests and in accordance with general or specific rules therein contained. The board of adjustment shall consist of five members, each to be appointed for a term of three years except that in the first instance one member shall be appointed for a term of three years, two for a term of two years and two for a term of one year. Thereafter each member appointed shall serve for a term of three years or until his successor is duly appointed. Provided that in all cities having populations of not less than 200,000 nor more than 300,000 according to the most recent federal decennial census all members of the board, including any alternate member herein provided for, shall be bona fide residents and qualified electors of such cities. Provided further, that the members of boards of adjustment heretofore created shall serve out their terms and thereafter the members of such boards shall be appointed

in the manner prescribed herein for boards created after the effective date of this Act. In addition to the five regular members herein provided for two supernumerary members shall be appointed to serve on such board at the call of the chairman, only in the absence of regular members, and while so serving have and exercise the power and authority of regular members. Such supernumerary members shall be appointed to serve for three year terms and shall be eligible for reappointment. Appointed members may be removable for cause by appointing authority upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. The Board shall adopt rules in accordance with the provisions of any ordinance adopted pursuant to this article. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. Provided, that in cities having populations of not less than 200,000 nor more than 300,000, the board shall meet regularly once a month, on a day determined by the board. Such chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and of other official actions. All of which shall immediately be filed in the office of the board and shall be a public record. Appeals to the board of adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the municipality affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the board by filing with the officer from whom the appeal is taken and with the board of adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall transmit forthwith to the board all papers constituting the record upon which the action appealed was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certified to the board of adjustment after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property. Such proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of adjustment or by a court of record on application on notice to the officer from whom the appeal is taken and on due cause shown. The board of adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reason-

able time. Upon the hearing any party may appear in person or by agent or by attorney. The board of adjustment shall have the following powers: To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this article or of any ordinance adopted pursuant thereto. To hear and decide special exceptions to the terms of the terms of the ordinance upon which such board is required to pass under such ordinance. To authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done. In exercising the above mentioned powers such board may in conformity with the provisions of this article, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision, or determination as ought be made, and, to that end shall have all the powers of the officer from whom the appeal is taken. The concurring vote of 4 members of the board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance, or to effect any variation in such ordinance. The board of adjustment shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called on by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 26, 1965.

Time: 6:35 P. M.

Act No. 589

H. 770—Bailes, Etheredge, Bowers, Rast,
Dominick, Brown (Jefferson),
Meeks, Gilmore, Vacca, Bethea
(M), Collins (Jefferson)

AN ACT

To make an appropriation from the state treasury for support and maintenance of certain special classes for children.

Be It Enacted by the Legislature of Alabama:

Section 1. The sum of \$45,000 is hereby appropriated from the Alabama special educational trust fund in the state treasury, for each of the fiscal years ending September 30, 1966 and September 30, 1967, to the use of the Jefferson County Board of Education for support and maintenance of three experimental classes conducted for the benefit of emotionally disturbed children, and for the training of teachers of such children. The appropriations herein made shall be expended under the direction of said county board of education.

Section 2. This Act shall take effect October 1, 1965.

Approved August 26, 1965.

Time: 6:36 P. M.

Act No. 590

H. 970—Callahan, Campbell (Tuscaloosa),
Brown (Tuscaloosa)

AN ACT

To amend Section 509 sub-section 23 of Title 52 of the Code of Alabama of 1940 as recompiled
(Pertaining to State Fire College Advisory Committee).

Be It Enacted by the Legislature of Alabama:

Section 1. Title 52, Section 509 (23) of the Code of Alabama of 1940 as recompiled in 1958 is hereby amended so as to read as follows:

509-23 ADVISORY COMMITTEE. There shall be an Advisory Committee composed of nine practical firemen appointed by the State Superintendent of Education. These members shall be nominated as follows: three (3) by the Alabama State Firemen's Association; three (3) by the Alabama State Fire Chiefs' Association; and three (3) by the Uniformed Fire Fighters Association of Alabama. Committee members shall serve for terms of four years. No member shall serve for more than four (4) years without reappointment. It shall be the duty of the Advisory Committee to assist in finding and recommending competent instructor personnel and to review and recommend course content or changes in course content in line with changing conditions in the field of fire fighting. It shall also be the duty of the Advisory Committee to assist in promoting the State Fire College, to help maintain a public relations program and to recommend policy and procedure for the best interests of the State Fire College.

Section 2. All laws and parts of laws in conflict with

this Act, insofar as same conflict with this Act, are hereby expressly repealed.

Section 3. This Act shall take effect on the thirtieth day after its passage and approval by the Governor or its otherwise becoming a law. During said thirty-day period it shall be the duty of the various organizations named herein to make their nominations to the State Superintendent of Education.

Approved August 26, 1965.

Time: 6:37 P. M.

Act No. 591

H. 972—Goldthwaite, Pierce, Goodwyn, Little

AN ACT

To require the installation and maintenance of an improved system of indexing and recording documents affecting the title to property and other documents and recorded in the office of the Judge of Probate of any county having a population of not less than 125,000 nor more than 200,000 inhabitants according to the last or any subsequent federal census; to provide that said system shall constitute official and permanent records in each such county; to provide for a special recording fee of \$1.00, in addition to all existing recording fees and charges, for each such document hereafter filed for record in each such county; to provide for financing the initial installation of said system out of the said special recording fees and by the sale and issuance by each such county of its interest bearing warrants in anticipation of and payable solely out of said special recording fees; to require each such county to issue such warrants in an amount sufficient, when added to said special recording fees then on hand, to pay the costs of such initial installation; to authorize each such county to issue warrants in anticipation of and payable solely out of said special recording fees for the purpose of refunding any warrants issued hereunder; to authorize said special recording fees to be pledged for payment of the principal of and interest on any warrants issued hereunder; to provide that such warrants and the income therefrom shall be exempt from taxation and that such warrants may be used for investment of trust funds.

Be It Enacted by the Legislature of Alabama:

Section 1. **APPLICABILITY AND PURPOSE OF ACT.** This act shall apply only in counties having a population of not less than 125,000 nor more than 200,000 inhabitants according to the last or any subsequent federal census. The purpose of this act is to facilitate the use of public records in property transactions in each such county by providing for the installation of an improved system of indexing and recording instruments and documents affecting the title to real and personal property that are recorded in the office of the Judge of Probate of each such county and for the recording of other instruments and documents in the probate office in the discretion of the governing body of the county.

Section 2. DEFINITIONS. The following words and phrases, including the plural of any thereof, whenever used in this act, shall have the following respective meanings:

“‘The County’ means any county subject to the provisions of this act.

“‘The probate office’ means the office of the Judge of Probate of the County.

“‘Code’ means the Code of Alabama of 1940.

“‘Effective installation date’ means the date designated by the Judge of Probate of the county as the date when a substantial portion of the improved indexing and recording system herein provided for shall have been first placed in effective and practical operation.

“‘Real property instrument’ means and includes any instrument or document affecting the title to real property that may be now or hereafter filed for record in the probate office pursuant to the applicable requirements of the laws of this state, including, but without limitation to, Articles 10 and 11 of Chapter 3 of Title 47 of the Code and all statutes providing for the filing and recording of notices or statements of liens of any kind, notices of judgment, and plats or maps showing subdivisions of real estate.

“‘General property instrument’ means a real property instrument that affects the title to personal property as well as real property.

“‘Personal property instrument’ means any instrument or document affecting the title to personal property only (as distinguished from real property) that may be now or hereafter filed for record in the probate office, in accordance with the applicable requirements of the laws of this state, including particularly said Articles 10 and 11.

“‘Improved indexing and recording system’ means a system of indexing and recording real property instruments and personal property instruments in the probate office and, in the discretion of the governing body of the county, of recording other instruments and documents in the probate office, which system when completed, will consist of the following: (a) the following microphotographed copies: (1) microphotographed copies of all real property instruments (or of the record of such instruments) at any time filed for record in the probate office, such copies to be arranged chronologically, according to the date of the filing for record of the original instruments, in drawers or cabinets which shall be separated into different classifications indicating generally the nature of the instru-

ments recorded in such drawer or cabinet, such classifications to be designated by the Judge of Probate of the county and to include such classifications as "Deeds", "Mortgages", "Mechanics" and "Materialmen's Liens", "Judgments" and the like; (2) microphotographed copies of all miscellaneous instruments (or of the record of such instruments) that are of record in the probate office on the effective installation date and of all personal property instruments (or of the record of such instruments) at any time filed for record in the probate office, such copies to be arranged chronologically, according to the date of the filing for record of the original instruments, on reels of microfilm filed in cabinets or other suitable receptacles; and (3) in the discretion of the governing body of the county, evidenced by a resolution or resolutions adopted by such governing body, microphotographed copies of any or all of the following records and instruments (or the record thereof) at any time filed for record, recorded or made an official record in the probate office: certificates of incorporation, amendment and dissolution pertaining to corporations, and any other documents properly recorded in the incorporation Records of the county, Wills and Records of Adoptions, Legitimations, Marriage Licenses, Administrator's Accounts, and Tax Sales; (b) a direct and reverse index of all real property instruments at any time filed for record in the probate office, set up as a card or strip index or like method in strict alphabetical order based upon all the letters in a name and not merely upon the first letter thereof, the names to be indexed to include not only those of the grantor and grantee in such real property instruments but the names of all persons referred to in each affidavit that is a real property instrument and, in the case of each map that is a real property instrument, the name assigned on such map to any subdivision platted therein and the name of any person signing the map as owner of the land therein platted; (c) a direct and reverse index of miscellaneous instruments of record in the probate office on the effective installation date and of all general property instruments and personal property instruments at any time filed for record in the probate office, set up as a card or strip index or like method in strict alphabetical order based upon all the letters in a name and not merely upon the first letter thereof, which index may, in the discretion of the governing body of the county evidenced by a resolution or resolutions adopted by such governing body, and to the extent in any such resolution, be expanded into a general name index covering all records in the probate office other than records of real property instruments; and (d) equipment necessary and suitable to prepare and contain the microphotographed records. The card or strip indexes or like method referred to in clauses (b) and (c) of the foregoing sentence shall contain the items of information specified for indexes

in Section 285 of Title 13 of the Code, and the index referred to in said clause (b) may, in the discretion of the Judge of Probate of the County, contain also a brief description of, or other reference to, any real estate described in any instrument that is indexed. Each of such indexes may be closed from time to time into separate chronological periods to be designated by said Judge of Probate.

“‘Initial installation costs’ means the costs of the initial installation of an improved indexing and recording system and shall be deemed to include all expenses incurred in the issuance of warrants to finance such installation, including fees of fiscal agents and attorneys”.

Section 3. **INSTALLATION AND MAINTENANCE OF SYSTEM.** The Court of County Commissioners, Board of Revenue, or like governing body of the county is hereby authorized, to provide for the installation upon the recommendation, acceptance and approval of the Judge of Probate and thereafter for the maintenance, of an improved indexing and recording system in the probate office of the county. The initial installation of the improved indexing and recording system shall include the following: (a) the acquisition of the equipment provided for in clause (d) of the definition hereinabove set forth of an improved indexing and recording system; (b) the microphotographing and filing in drawers, cabinets and other receptacles of the public records of all real property instruments, personal property instruments, and miscellaneous instruments that are of record in the probate office of the county on the effective installation date and of any other then existing records in the probate office the inclusion of which in the improved recording and indexing system may be provided for by resolution of the governing body of the county; (c) the establishment of procedures for the continued microphotographing and filing of all instruments and records that will, after the effective installation date, constitute a part of the improved indexing and recording system; and (d) the establishment of the card or strip or like method indexes referred to in clause (b) and (c) of the aforesaid definition of an improved indexing and recording system, with respect to instruments of record on the effective installation date, and the establishment of procedures for the continued indexing in said card or strip or like method indexes of all instruments and records that will thereafter form a part of the improved indexing and recording system, as herein provided. The initial installation of the improved indexing and recording system shall be performed by a person, firm or corporation engaged in the records management business and experienced in setting up county records; and such initial installation shall be supervised and inspected by an employee of the county who is experienced in handling records

pertaining to abstracts and title. Following its installation in the county, the improved indexing and recording system shall be thereafter maintained in the county and all real property instruments, general property instruments and personal property instruments and other documents and records herein provided to constitute a part of said system, that may be thereafter filed for record or recorded in the probate office of the county shall be photographed, recorded, and indexed in accordance with the aforesaid improved indexing and recording system. Each real property instrument and each personal property instrument shall be operative as a record from the time of its delivery to the Judge of Probate of the county, in accordance with the provisions of existing law, including particularly Section 98 of Title 47 of the Code.

Section 4. OFFICIAL AND PERMANENT RECORDS, WHAT CONSTITUTES. (a) Record of Instruments. On and after the effective installation date, the microphotographic copies of all instruments and records provided herein to be microphotographed shall constitute the official record of such instruments for the purposes of Articles 10 and 11 of Chapter 3 of Title 47 of the Code and all other laws applicable to the recording of any of such instruments and for all other purposes; and the record of real property instruments, personal property instruments, miscellaneous instruments, and other documents and records that may be microphotographed pursuant to the provisions of this act, made in books prior to the effective installation date shall not thereafter constitute official records. Following the effective installation date, real property instruments, personal property instruments, and other documents and records provided herein to be microphotographed shall no longer be recorded in books. (b) Indexes. On and after the effective installation date, the card or strip indexes or like method established and prepared as a part of the improved indexing and recording system shall constitute the permanent records of the county and shall constitute official records to the same extent as indexes prepared pursuant to the provisions of Section 285 of Title 13 of the Code; provided that any reference in such indexes to, or brief description therein of, the real estate described in a real property instrument shall be deemed to be included in the index for convenience only and shall not constitute an official record; and provided, further, that the Judge of Probate shall not incur any penalty or fine or be liable for any damages on account of the failure to file any index card, strip, or like method in its precise and exact alphabetical order, if the card, strip, or like method is properly filed with respect to the first letter of the last name indexed. The books of indexes of real property instruments, personal property instruments, and miscellaneous instruments prepared and maintained in the county, prior to the effective

installation date, under the provisions of the said Section 285 and all other previously maintained indexes of any instruments or records that are indexed in the card or strip or like method indexes forming a part of the improved indexing and recording system shall not, on and after the effective installation date, constitute official records and may at any time thereafter be discarded and destroyed. Following the effective installation date, no instrument that is provided herein to be indexed in the improved indexing and recording system shall any longer be indexed in books pursuant to the provisions of the said Section 285 or any other law; and no separate indexes in books or elsewhere need be maintained of any instruments or records that are indexed in the indexes forming a part of the improved indexing and recording system."

Section 5. APPLICABILITY OF EXISTING LAWS. All provisions of the laws of Alabama with respect to the recording and indexing of real property instruments, personal property instruments, general property instruments, miscellaneous instruments, and other instruments and records that may constitute part of an improved indexing and recording system installed hereunder (including but without limitation to, the provisions of Articles 10 and 11 of Chapter 3 of Title 47 of the Code, of Section 285 of Title 13 of the Code, and the provisions of all statutes respecting the filing and recording of notices or statements of liens of any kind, notices of Lis Pendens, declarations of claims of exemption, certificates of judgment, or plats or maps showing subdivisions of real estate) that are not inconsistent with the provisions of this act shall continue in effect with respect to an improved indexing and recording system installed hereunder, the recording and indexing of instruments therein, and the duties of the Judge of Probate with respect thereto."

Section 6. AUTHORIZATION TO ISSUE WARRANTS. The governing body of the county is hereby authorized to sell and issue interest bearing warrants of the county for the purpose of paying all or any part of the costs of the installation of an improved indexing and recording system in the county; and the governing body of the county is hereby authorized to issue such warrants in such principal amount as the governing body shall determine will make available moneys sufficient, when added to the amount of the special recording fees hereinafter provided for that will be on hand for such purposes remaining after creating and setting aside in a special fund so much thereof as the governing body of the county shall deem advisable as a reserve or cushion for the benefit of such warrants, to pay the costs of such installation. The governing body of the county shall have the power at any time and from time to time to issue, by either sale or exchange, warrants of the county for the

purpose of refunding any warrants then outstanding that were issued under the provisions of this act. Any warrants issued under this act shall be general obligations of the county for the payment of the principal of and interest on which the full faith and credit of the county shall be irrevocably pledged. Any warrants issued under this act may be in one or more series, may be in such denomination or denominations, may bear such date or dates, may have such maturity or maturities not exceeding thirty years from their date, may bear interest at such rate or rates, and evidenced in such manner, may be made payable at such place or places whether within or without the state, may be executed in such manner and by such officer or officers, and may be sold at such time or times and in such manner, all as the governing body of the county shall determine most advisable by resolution or order duly adopted at any lawful meeting of such governing body. As security for the payment of the principal of and interest on any warrants issued hereunder, the county shall assign and pledge for the benefit of the holders of said warrants so much as may be necessary for such purpose of the said special recording fees. All such pledges shall take precedence in the order in which they are made; provided, however, that any resolution or order authorizing warrants hereunder may expressly provide for the subsequent issuance of warrants to be secured by a pledge on a parity with the pledge made in the said resolution or order; and provided, further, that unless the proceedings authorizing any refunding warrants shall be subrogated and entitled to all the priorities, rights and pledges to which the warrants refunded thereby were entitled. To such extent, if any, as the proceeds derived from the said special recording fees (including any cushion or reserve created therefrom) may not be sufficient to pay the principal of and interest on any warrants issued under this act at the respective maturities of said principal and interest available therefor as may be necessary to pay said principal and interest. Each such warrant shall be drawn on the county treasurer or county depository and shall constitute an order for the payment thereof out of the revenues derived from the said special recording fees. Any such warrants that bear the signatures of officers of the county who were authorized to execute the same and who were in office on the date of the signing thereof shall be valid and binding notwithstanding that before the delivery thereof and payment therefor the persons whose signatures appear thereon may have ceased to be officers of the county. Warrants issued under the provisions of this act and the interest coupons applicable thereto shall be deemed to evidence the claims for office supplies for offices of Probate Judges within the meaning of Subsection 3 of Section 121 of Title 12 of the Code of Alabama of 1940, as amended, and shall be entitled to the priority of payment therein provided for. The issuance under this act of warrants and any interest coupons

applicable thereto, pursuant to and in accordance with authorization of the governing body of the county, shall be deemed to constitute the audit and allowance of claims for such office supplies, and no other audit or allowance of such claims and no proof or registration thereof shall be required."

Section 7. COVENANTS AS TO USE OF FEES. Any resolution or order authorizing the issuance of warrants under this act may contain covenants as to the application and expenditure of the proceeds of the sale of said warrants, and as to the use and disposition of the said special recording fees including the creation and maintenance of reserves for payment of the principal of and interest on such warrants.

Section 8. WARRANTS EXEMPT FROM TAXATION AND ELIGIBLE AS TRUST INVESTMENTS. Warrants issued hereunder and the income therefrom shall be exempt from all taxation in this state. Unless otherwise directed by the court having jurisdiction thereof, or by the document that is the source of authority, a trustee, executor, administrator, guardian, or one acting in any other fiduciary capacity may, in addition to any other investment powers conferred by law and with the exercise of reasonable business prudence, invest trust funds in warrants issued hereunder.

Section 9. INSTALLATION OF SYSTEM TO BE PAID OUT OF SPECIAL RECORDING FEES AND PROCEEDS OF WARRANTS. No moneys owned or controlled by the county, other than the said special recording fees and the proceeds from the sale of warrants issued hereunder, shall be applied by the county for payment of any part of the initial installation costs; and the initial installation costs shall be paid entirely out of the said special recording fees and the proceeds of warrants issued hereunder. Nothing contained in this section, however, shall prohibit the county from using any part of its own funds for the purpose of paying principal of or interest on any warrants issued under this act or for payment of the cost of operating and maintaining, after the initial installation, any improved indexing and recording system installed pursuant to the provisions of this act."

Section 10. PROCEEDS FROM THE SALE OF WARRANTS. The principal proceeds received from the sale of any warrants issued hereunder, other than refunding warrants, shall be used only to pay the initial installation costs; provided, that if any part of such principal proceeds shall not be necessary for said purpose then the unexpended portion thereof shall be applied to the payment of the principal of said warrants. The principal proceeds from the sale of any refunding warrants that may be issued hereunder shall be used only for payment of the expenses of their issuance, including any fees of fiscal agents

and attorneys, for refunding the principal of and interest on outstanding warrants issued hereunder, and for payment of any premium that may be necessary to be paid in order to redeem or retire the warrants to be refunded. All accrued interest and premium received in the sale of any warrants issued hereunder shall be applied for payment of interest and principal of the warrants sold.

Section 11. **SPECIAL RECORDING FEES.** On and after the date this act becomes applicable to the county, a special recording fee of \$1.00 shall be paid to the county, and collected by its Judge of Probate, with respect to each real property instrument and each personal property instrument that may be filed for record in the office of said Judge of Probate and for the recording of other instruments and documents in the probate office in the discretion of the governing body of the county, and, on and after such date, no such instrument shall be received for record in the office of said Judge of Probate unless the said special recording fee of \$1.00 is paid thereon. Said special recording fee shall be in addition to all other fees, taxes and other charges required by law to be paid upon the filing for record of any real property instrument or personal property instrument, and for the recording of other instruments and documents in the probate office in the discretion of the governing body of the county. All special recording fees so collected shall be covered into the county treasury, and shall be credited to the account of a special fund to be expended solely for payment of initial installation costs and for payment of the principal of and interest on warrants issued by the county in anticipation of the said special recording fees.

Section 12. **SEVERABILITY.** The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 13. **REPEAL OF CONFLICTING LAWS.** All laws or parts of laws which conflict with this act are, to the extent of such conflict repealed.

Section 14. **EFFECTIVE DATE.** This act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming law.

Approved August 26, 1965.

Time: 6:38 P. M.

To fix the compensation of certain deputy sheriffs of Escambia County.

Be It Enacted by the Legislature of Alabama:

Section 1. The chief deputy sheriff of Escambia County shall be entitled to \$100 per month in addition to all other compensation now provided by law. Such additional salary shall be paid out of the general fund of the county.

Section 2. The second deputy sheriff of said county shall be entitled to a salary of \$475 per month and the deputy sheriff acting as clerk shall be entitled to a salary of \$300 per month. Such salaries shall be paid out of the general fund of the county.

Section 2A. Escambia County deputy sheriff, Alton Keller, and his successor in office, shall be entitled to an allowance for expenses in the amount of \$900 per annum, which shall be paid from the general fund of the county in equal monthly installments at the end of each month.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 26, 1965.

Time: 6:39 P. M.

Act No. 593

H. 990—Edwards (Escambia)

AN ACT

Relating to Escambia County; regulating the placing, leaving, or dumping of garbage, refuse, rubbish, trash or debris along the public roads in such county; providing for the orderly deposit and disposal thereof; prescribing penalties; and placing certain duties on and granting certain powers and authority to the county governing body relative to providing for the orderly deposit and disposal of garbage, refuse, rubbish, trash, and debris.

Be It Enacted by the Legislature of Alabama:

Section 1. It is unlawful for any person wilfully to put, throw, leave, or dump garbage, refuse, rubbish, trash or debris of any kind or character whatsoever on or upon the right of way of any public highway or road in Escambia County or

within one hundred yards thereof, unless he deposits such garbage, refuse, rubbish, trash or debris in a receptacle, container, or place provided by the county governing body for that purpose. Whoever violates this section is guilty of a misdemeanor and upon conviction shall be fined not more than five hundred dollars, or be sentenced to hard labor for the county for not more than six months, or both, in the discretion of the court.

Section 2. The board of revenue, court of county commissioners, or other like county governing body of Escambia County shall maintain a suitable place or places for the deposit of garbage, refuse, rubbish, trash and debris and provide for the subsequent disposal thereof in a sanitary manner. It shall also provide for marking such place or places so that the public will be informed that garbage, refuse, rubbish, trash and debris may lawfully be dumped there.

The county governing body may also place or cause to be placed and maintained at strategic points along the public highways and roads in the county suitable receptacles or containers for the deposit of garbage, refuse, rubbish, trash and debris; and if such receptacles or containers are so placed, the county governing body shall provide for the regular periodic removal and sanitary disposal of all garbage, refuse, rubbish, trash and debris deposited therein. All receptacles or containers placed by the county governing body along the public highways or roads in Escambia County shall be plainly marked or identified as official trash or garbage receptacles and the governing body may, in its discretion erect signs notifying motorists where such receptacles or containers have been placed.

Section 3. This act is supplemental. Insofar as possible it shall be construed in *pari materia* with other laws relative to the leaving or dumping of garbage, trash and other debris on private property and with other laws relative to the littering of public highways and roads. However, any law or part of law which conflicts with this act as to Escambia County is superseded by this act.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. The provisions hereof granting powers and authority to and placing duties on the county governing body of Escambia County shall become effective immediately upon the passage and approval of this act or its otherwise becoming law; and the penal provisions hereof shall become effective on the sixtieth day thereafter.

Approved August 26, 1965.

Time: 6:40 P. M.

Act No. 594

H. 991—Edwards (Escambia)

AN ACT

Relating to Escambia County, regulating the pay of members of the county board of equalization, and providing for the payment of additional compensation from the county treasury.

Be It Enacted by the Legislature of Alabama:

Section 1. The chairman and each member of the county board of equalization of Escambia County shall be entitled to \$15 a day for each day's service as provided by law. Of this, \$5 a day shall be paid from the general funds of the county; and the remainder shall be paid as provided in Code of Alabama 1940, Title 51, Sections 94 and 95, as amended.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 26, 1965.

Time: 6:41 P. M.

Act No. 595

H. 992—Edwards (Escambia)

AN ACT

Regulating the compensation of registrars of Escambia County, and providing for payment of additional compensation by the County.

Be It Enacted by the Legislature of Alabama:

Section 1. In Escambia County, each member of the board of registrars shall receive \$10 per day to be paid by the state, and \$5 per day to be paid by the county, to be disbursed on order of the judge of probate for each day's attendance of the registrar upon the sessions of the board.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Approved August 26, 1965.

Time: 6:45 P. M.

Act No. 596

H.J.R. 146—Fite, Salter

HOUSE JOINT RESOLUTION

WHEREAS the late Ed E. Reid was well-known, highly respected, and beloved by a multitude of friends, acquaintances, and associates throughout the State of Alabama and in the nation's capital; and

WHEREAS Mr. Reid's untimely death on July 26, 1965, has deprived Alabama of one of the State's most able and dedicated public figures. Born in Evergreen and educated at the University of Alabama and the Birmingham Law School, Mr. Reid worked for several years as a journalist before coming to Montgomery in 1935 to serve as legislative liaison man during the administration of Governor Bibb Graves; and

WHEREAS shortly thereafter Mr. Reid found his true forte when he became associated with the League of Municipalities, of which he was Executive Director at the time of his death. Through his keen foresight, wise leadership, and exceptional management ability, that organization grew more than ten-fold in membership and became an effective instrument in improving municipal management and working conditions for municipal employees in cities throughout the State; and

WHEREAS Mr. Reid possessed a personal warmth, an enthusiasm for life, and an interest in others which made his company exceedingly pleasant and sought-after. His marvelous knowledge and memory of the men and events in Alabama politics for the past 30 years qualified him as an expert par excellence on that subject, and his interesting anecdotes enlivened any conversation or gathering and will be sorely missed; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body deems it appropriate that the State of Alabama should pay tribute to Mr. Ed E. Reid in a manner commensurate to his many years of valuable service to the State, its instrumentalities, and its citizens.

BE IT FURTHER RESOLVED That the Alabama Trade School and Junior College Authority and the State Board of Education are hereby authorized to designate the newly established State vocational trade school located in Conecuh County at Evergreen, where Mr. Reid was born, be known as the "Evergreen State Vocational Technical School, Ed E. Reid Memorial" in honor of that esteemed citizen who knew so well the value of education and training and encouraged development of facilities therefor in this State.

Approved August 26, 1965.

Time: 6:46 P. M.

Act No. 597

H.J.R. 147—Callahan

HOUSE JOINT RESOLUTION

WHEREAS, Dr. A. B. Moore has completed and concluded his service to the State of Alabama, as the Executive Director of the Alabama Civil War Centennial Commission, and;

WHEREAS, Dr. Moore has done an outstanding job and has rendered an outstanding service to the State of Alabama, and;

WHEREAS, At the conclusion of his tenure of office, there were several items of property which he had used in his office, which were left over, and are not of use to the State, and are too cumbersome and of little value if they were sold at an auction, which items of personal property are as follows:

- 1 Royal standard typewriter, elite type, FP 11"
- 1 #CS-814 gray storage cabinet
- 1 #8518 walnut secretary desk
- 1 #74 gen. walnut and top grain leather secretarial chair
- 1 #1437 gray 4 drawer letter file
- 1 Green 4 drawer letter file, steelmaster 2904
- 1 #6 US gray valet (costumer)
- 1 #B-965-H gen. walnut 69 X 36 executive desk
- 1 #8520 gen. walnut and top grain leather high back executive chair
- 1 Postage scale (desk type)
- 2 Waste baskets

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,

That the Director of Finance and the Governor of Alabama are given authority to deliver all the said items of personal property and convey the same to Dr. Moore under such terms as they deem proper. However not to exceed the maximum price of one dollar.

BE IT FURTHER RESOLVED, That the Governor of Alabama and the Director of Finance, be absolved of all responsibility for said articles after they have been transferred to Dr. Moore.

Approved August 26, 1965.

Time: 6:47 P. M.

Act No. 598

H.J.R. 148—Bethea (M), Vacca, Sessions, Morrow, Meeks, Bowers, Dominick, Etheredge, Locke, Hawkins, Bailes, Brown (Jefferson), Rast, Gilmore, Engel, Hogan, Edington, Collins (Mobile), Goodwyn, Pierce, Merrill, Albea, Burns, Callahan, Campbell (Tuscaloosa), Brown (Tuscaloosa), McDermott

HOUSE JOINT RESOLUTION

WHEREAS, the Legislature at this time is endeavoring to reapportion the legislature of Alabama and the courts have stated a determination to reapportion the Legislature of the State of Alabama if the Legislature does not; and

WHEREAS, under either legislative or court ordered reapportionment it is probable that in some instances a single county may be entitled to more than one member in each house of the legislature; and,

WHEREAS, the operation of the ward system in many large cities and counties of the United States has amply demonstrated the viciousness and inherent dangers of sectionalism and "bossism" in the ward system; therefore,

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALABAMA that:

Under any system of legislative reapportionment adopted either by the Legislature or the courts, it is considered highly desirable that the area from which individual members of the legislature are to be elected should not be less than whole county units and that to provide otherwise would be to invite all the abuses and dangers inherent in ward systems of representation in highly populated areas.

Approved August 26, 1965.

Time: 6:48 P. M.

Act No. 599

H.J.R. 149—Drake

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, THE SENATE CONCURRING, That we lament the untimely death of Mr. William H. Drinkard, a popular and widely known civic, industrial and political leader, formerly the State Finance Director, a member of the State Board of Pardons and Paroles, the Director of the State Conservation Department, and the Executive Director of the Tennessee-Tombigbee Waterway Improvement Authority. The two houses of the Legislature unite in honoring Mr. Drinkard and extending sympathy to his family.

Approved August 26, 1965.

Time: 6:50 P. M.

Act No. 600

H.J.R. 150—Rast, Pierce, Little, Goodwyn,
Goldthwaite, Etheredge,
Bethea (B), Morrow, Meeks,
Locke, Sessions, Vacca,
Bowers, Dominick, Brown
(Jefferson), Gilmore, Bailes,
Hawkins, Collins (Jefferson),
Bethea (M)

HOUSE JOINT RESOLUTION

WHEREAS the National Blind Golfers Tournament will be held at the Montgomery Country Club on September 8, 9 and 10 under the sponsorship of the Montgomery Jaycees and the Jaycees of America; and

WHEREAS this tournament of nation-wide interest will bring eighteen blind golfers of exceptional skill and ability together with their coaches from throughout the United States, centering much favorable national attention on this State; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body heartily commends the Jaycees for bringing this outstanding and inspirational group to Alabama and gives its unqualified support to the tournament for which it wishes every success.

RESOLVED FURTHER that copies of this resolution be sent to Mr. Charlie Boswell of Birmingham, President of the

National Blind Golfers Association, and to the Montgomery Jaycees.

Approved August 26, 1965.

Time: 6:51 P. M.

Act No. 601

H.J.R. 151—Moore, Slate, Brewer

HOUSE JOINT RESOLUTION

WHEREAS Robert Lee Almon, prominent attorney of Moulton and Lawrence County, who had practiced law for the past fifty-three years died August 13, 1965; and

WHEREAS Mr. Almon who had been a member of the first graduating class of Lawrence County High School, and later graduate of the University of Alabama Law School, studied further at Oxford University in England; and

WHEREAS Mr. Almon served his country during World War I as an officer of the 336th Machine Gun Battalion in France, was later responsible in organizing the American Legion Post 25 of Moulton and served as its first commander, and also aided in organizing the Alabama National Guard in Moulton in which he obtained the rank of Lieutenant-Colonel; and

WHEREAS Mr. Almon who was county solicitor for nineteen years, was a member of the American Bar Association, the State Bar, Masonic Lodge 6, charter member of the Eastern Star 212, charter member of the Moulton Lions Club, and was active in other endeavors for the betterment of his State and community; and

WHEREAS Mr. Almon is survived by his widow, Mrs. Julia Almon; three sisters, Mrs. George Almon, Decatur; Mrs. H. N. McMillian, Moulton; Mrs. Paul Horton, Hillsboro; one brother, Mr. Nathaniel Almon of Huntsville; and several nieces and nephews; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body deeply regrets the passing of Mr. Almon, and extends its sincere sympathy to the surviving members of his family.

RESOLVED FURTHER that a copy of this resolution shall be sent to his widow, Mrs. Robert Lee Almon of Moulton.

Approved August 26, 1965.

Time: 6:52 P. M.

Act No. 602

H.J.R. 154—Casey, Young

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, THE SENATE CONCURRING, That we mourn the death of and hereby pay our respects to the memory of one of this State's elder statesmen, Mr. William H. Howle, formerly a member of each house of this Legislature, a native of Cleburne County, who throughout his ninety-one years made his home in that county, where he was an outstanding civic and political leader.

RESOLVED FURTHER, that we extend our condolence to the seven sons and four daughters who survive Mr. Howle.

Approved August 26, 1965.

Time: 6:53 P. M.

Act No. 603

H.J.R. 157—Callahan

HOUSE JOINT RESOLUTION

RESOLVED BY THE HOUSE, THE SENATE CONCURRING, That the bill, S. B. 14, which has passed both houses be designated and known as "The Nichols-Sullivan Bill."

Approved August 26, 1965.

Time: 6:54 P. M.

Act No. 604

H. 1110—Drake

AN ACT

To amend Section 4 of Act No. 167, H. 422, approved September 23, 1959 (Acts 1956, v. 1, p. 690), an act creating a Board of Revenue for Cullman County, so as to provide an expense allowance for the associate members of such board.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 4 of Act No. 167, H. 422, approved September 23, 1959 (Acts 1959, v. 1, p. 690), an act creating a Board of Revenue for Cullman County, is amended to read as follows:

"Section 4. The associate members of the board of revenue shall not be required to devote full time in the discharge of their official duties. They shall attend all meetings of the board, however, and for the performance of their duties, each of them shall receive a salary of nine hundred dollars (\$900.00) per annum and an expense allowance of fifty dollars (\$50.00)

per month, payable in equal monthly installments out of the county treasury."

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective on the day after the general election in November 1966.

Approved August 26, 1965.

Time: 7:00 P. M.

Act No. 605

H. 1112—Drake

AN ACT

To provide for the payment of expense allowances to members of the Board of Registrars of Cullman County from county funds.

Be It Enacted by the Legislature of Alabama:

Section 1. The members of the Board of Registrars of Cullman County shall each receive \$5.00 per day to be paid by the county on order of the Probate Judge for expenses incurred in each day's attendance of the Registrar upon the sessions of the Board. The expense allowances provided for herein shall be payable from the general fund of the county.

Section 2. The provisions of this Act are cumulative.

Section 3. This Act shall become effective on the day after the general election in November, 1966.

Approved August 26, 1965.

Time: 7:01 P. M.

Act No. 606

H. 1113—Drake

AN ACT

Providing expense allowances for the Chairman and Members of the Board of Equalization of Cullman County payable from the county treasury.

Be It Enacted by the Legislature of Alabama:

Section 1. In Cullman County, the chairman and each member of the Board of Equalization shall be paid an expense allowance of \$5.00 by the county for each day's attendance upon the sessions of the board. Such allowance shall be disbursed on order of the Probate Judge and payable from any funds in the County treasury not otherwise appropriated.

Section 2. This Act is cumulative, and shall become effective on the day after the general election in November 1966.

Approved August 26, 1965.

Time: 7:02 P. M.

Act No. 607

H. 1118—Branyon

AN ACT

Relating to Fayette County; further regulating the compensation of the county superintendent of education.

Be It Enacted by the Legislature of Alabama:

Section 1. The compensation of the county superintendent of education of Fayette County shall be fixed by the county board of education. The amount thereof shall not exceed a sum equal to the amount fixed on the effective date of this enactment, plus an amount not to exceed thirty per cent thereof, to be paid at the same time and in the same manner as now prescribed by law for the payment of compensation to the county superintendent of education of Fayette County.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 26, 1965.

Time: 7:03 P. M.

Act No. 608

H. 1119—Branyon

AN ACT

Relating to Fayette County; further regulating the compensation of members of the county board of education.

Be It Enacted by the Legislature of Alabama:

Section 1. The members of the county board of education in Fayette County shall each be paid from the public school funds of the county the per diem compensation now prescribed by law, plus fifty per cent of such per diem. Provided, such members shall not be paid for more than eighteen days in

any one year. In addition to such compensation, members of the board shall be paid their actual traveling and hotel expense incurred in attending meetings of the board which expenses shall be paid in the manner provided for payment of compensation to teachers in Fayette County.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 26, 1965.

Time: 7:04 P. M.

Act No. 609

H. 1120—Hester

AN ACT

To amend and extend the corporation limits of the City of Russellville, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the corporate limits of the City of Russellville, Alabama, are hereby amended and extended to include within said city the following additional territory:

All of the N $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 28, Township 6 South, Range 11 West. All of the N $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 28, Township 6 South, Range 11 West. All of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 27, Township 6 South, Range 11 West. All of the S $\frac{1}{2}$ of Section 21, Township 6 South, Range 11 West. All of the W $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 22, Township 6 South, Range 11 West.

Section 2. This Act shall take effect upon its passage and approval by the Governor.

Approved August 26, 1965.

Time: 7:05 P. M.

Act No. 610

H. 1121—Stembridge

AN ACT

To provide for the assessment, collection, amount and use of

additional taxes or fees as items of court costs in cases docketed in certain courts in Houston County.

Be It Enacted by the Legislature of Alabama:

Section 1. In each civil action at law, suit in equity, criminal case, proceeding on forfeiture of bailbond, or proceeding on forfeiture of bond given in connection with an appeal from the judgment of conviction in any inferior or municipal court to the circuit court, hereinafter filed in, arising in, or brought by appeal, certiorari or otherwise to the circuit court of Houston County, or in any other proceedings in said court, there shall be taxed as costs the sum of \$1.00 which shall be in addition to all other court costs.

Section 2. In each civil action at law, and suits in equity hereinafter filed in the Houston Law and Equity Court of Houston County, Alabama, and Law and Equity Court of Houston County, Alabama, there shall be taxed as costs the sum of \$1.00 which shall be in addition to all other court costs.

Section 3. In each criminal case or in any other proceeding not covered in Sections 1 or 2 of this Act, which may be hereafter filed in the Houston Law and Equity Court of Houston County, Alabama, and Law and Equity Court of Houston County, Alabama, there shall be taxed as costs the sum of fifty cents which sum shall be in addition to all other court costs.

Section 4. All such additional costs as provided herein shall be collected by the clerk or register in the same manner as other court costs are collected by said clerk and register, and shall be transferred and covered by them into the solicitor's fund of Houston County. Such sums shall be used exclusively for the purpose of purchasing and maintaining a law library at the courthouse at Dothan, and shall be expended or used for supplies, books, fixtures, and facilities for and by the law library of Houston County, under the same supervision and management as set forth and provided in Act No. 410, S. 439, Regular Session 1959 (Acts 1959, p. 1044).

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this Act are repealed.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 26, 1965.

Time: 7:06 P. M.

Act No. 611

H. 1136—Cooper

AN ACT

To apply only in counties having populations of not less than 26,000 nor more than 27,000; regulating the compensation and allowances of members of the county board of education.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 26,000 nor more than 27,000, according to the most recent federal decennial census, the members of the county board of education shall receive from the public school funds of the county \$15 a day and their actual traveling and hotel expenses incurred in attending meetings of the board and transacting the business of the board. The members of the county board shall not be allowed pay for more than 24 days in any one year, and their per diem pay and expenses shall be paid from the public school funds of the county.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Approved August 26, 1965.

Time: 7:07 P. M.

Act No. 612

H. 1139—Baker (Madison), Pennington,
Reynolds

AN ACT

To amend Act No. 207, S. 25 (Special Session, 1961, p. 2185) providing for establishment and operation of family court divisions of the circuit courts of all counties having populations of not less than 110,000 nor more than 160,000; prescribing the jurisdiction of such court divisions and providing for selection, appointment, qualifications, tenure, and compensation of their officers and administrative and clerical personnel; abolishing special courts having jurisdiction of juveniles and domestic relations cases.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 207, S. 25, Special Session, 1961, providing for establishment and operation of family court divisions of the circuit courts of all counties having populations of not less than 110,000 nor more than 160,000; prescribing the jurisdiction of such court divisions and providing for selection, appointment, qualifications, tenure, and

compensation of their officers and administrative and clerical personnel; abolishing special courts having jurisdiction of juveniles and domestic relations cases, is hereby amended to read as follows:

"Section 2. A family court division of the circuit court of the county shall be established as herein provided. This division of the court shall, as its primary function, handle all cases and proceedings in such county involving divorces, annulments of marriages, custody and support of children, granting and enforcement of alimony, proceedings under the Reciprocal Non-Support Act, and all other domestic and marital matters over which the circuit courts have jurisdiction. The division and the judge thereof shall also have and exercise original and exclusive jurisdiction over juveniles for the purposes above declared, and for the enforcement of Chapter 7, Title 13, Code of Alabama, and non-support cases arising in the county under Title 34, Code of Alabama, and amendments and additions thereto. For the purpose of this Act, a juvenile is defined as any boy or girl who has not reached his or her eighteenth birthday. All cases and proceedings involving domestic relations and marital matters which originate in the circuit court shall be assigned to the family court division; however, if the docket of the division is overcrowded, a portion of such cases may be reassigned by the presiding judge of the circuit court to other judges of said court; and providing further that the judge of the family court division may in his discretion transfer any juvenile over the age of sixteen years and under the age of eighteen years to the adult division of the circuit court, without investigation or exercise of disciplinary measures, said juvenile there to be proceeded against according to law."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 26, 1965.

Time: 7:08 P. M.

Act No. 613

H. 1145—Engel

AN ACT

Relating to the powers of cities having populations of not less than 200,000 and not more than 300,000 according to the most recent federal decennial census; authorizing the governing bodies of such cities to adopt ordinances to permit certain commissions for the preservation and protection of the historic architectural character of the city and the promotion of historic districts as tourist attractions, to provide certain outdoor dining facilities in connection with such pro-

motion; amending Section 3 of Act No. 356, H. 627, Regular Session 1963 (Acts 1963, p. 855).

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 356, H. 627, Regular Session 1963 (Acts 1963, p. 855), an Act relating to cities having populations of not less than 200,000 nor more than 300,000, is amended to read as follows:

"Section 3. An historic development commission with the following membership, duties and powers may be created by the city governing body.

"(A) Said commission shall be composed of no less than eleven members who shall be selected by the city governing body in such a manner as to serve overlapping terms. Except for the first members, their terms shall be four years. (B) The commission shall operate under a constitution as adopted by the commission and approved by the city governing body. (C) The commission shall have as its purposes (1) the preservation and protection of buildings of historic and architectural value in the historic districts, as defined in Section 2 of this Act, and the maintenance of the distinctive character of these districts, (2) the fostering and encouraging of the preservation, restoration, and utilization of buildings of historic and architectural value in the historic districts, (3) the development and promotion of historic districts, as major tourist attractions of historic and economic value, and in connection therewith shall be authorized to provide for patio type restaurants with outdoor dining facilities. Provided, however, all such restaurants and facilities shall in every other respect be subject to all state, county, and municipal regulations respecting food handling establishments, adopted pursuant to Section 85, Title 22, Code of Alabama 1940, as amended. (D) It shall be the duty of the commission to exercise such powers as the commission shall deem necessary and fitting to carry out the above stated purposes."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 26, 1965.

Time: 7:09 P. M.

Act No. 614

H. 1158—NeSmith

AN ACT

To apply in counties having populations of not less than 25,400

nor more than 25,675, fixing the compensation of the clerk of the register and providing for payment thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 25,400 nor more than 25,675, according to the most recent federal decennial census, the clerk of the register in chancery shall be entitled to a salary of \$150 per month, which shall be paid from the general funds of the county as the salaries of other county employees are paid.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 26, 1965.

Time: 7:10 P. M.

Act No. 615

AN ACT

H. 1162—Daniel

Relating to all counties having populations of not less than 27,000 nor more than 30,000, according to the most recent federal decennial census; providing for the payment by the county of expense allowances for members of boards of registrars in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 27,000 nor more than 30,000, according to the most recent federal decennial census, each member of the board of registrars shall receive ten dollars per day as expenses, to be paid by the county on order of the presiding officer of the county governing body, for each day's attendance of the registrar upon the sessions of the board. The expense allowance provided for herein shall be payable from the general funds of the county and shall be in addition to the compensation of the registrars payable by the State as prescribed in Code of Alabama 1940, Title 17, Section 24 and Act No. 531, S. 101, Regular Session 1947 (Acts 1947, p. 388), as amended.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately

upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 26, 1965.

Time: 7:11 P. M.

Act No. 616

H. 1163—Owen (Baldwin)

AN ACT

To regulate further the meeting days and compensation of the county boards of registrars in all counties having populations of not less than 48,200 nor more than 49,200 according to the most recent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in counties having populations of not less than 48,200 nor more than 49,200 according to the most recent federal decennial census.

Section 2. In all such counties in even numbered years the boards of registrars shall meet for the purpose of registering voters on the second, third and fourth Saturdays in February, March, April and May. Each of such meetings shall be held at one of the three largest cities or towns in the county, other than the county seat.

Section 3. In odd numbered years, the board of registrars shall also meet for the purpose of registering voters on the second, third and fourth Saturdays in the months of August, September and November. Each of such meetings shall be held at one of the three largest cities or towns in the county, other than the county seat.

Section 4. The chairman of the board shall designate the town in which each of the meetings hereinabove provided for shall be held, and shall give notice of such meeting in the same manner prescribed in the general law for giving notice of the time when and place where the board will meet in the several precincts.

Section 5. Whenever a board of registrars is required by this Act to meet on a Saturday which falls within the same calendar week as a Monday on which a meeting of such board is prescribed in the general law, such Saturday meeting shall be in lieu of the Monday meeting prescribed in the general law; and the compensation of the members of the board for such Saturday meeting shall be paid out of the state treasury in the manner that it would have been paid had the board met on Monday. The other meetings hereinabove required shall be in addition to the meetings required of boards of registrars

by the general law; and registrars shall receive twenty dollars per day payable out of the respective county treasuries of their counties for each day's attendance upon any such additional meetings required by this Act.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This Act is supplemental and shall be construed in *pari materia* with other laws relative to meetings and compensation of boards of registrars; however, any of such laws in conflict herewith are hereby repealed or superseded as to all counties to which this Act applies.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 26, 1965.

Time: 7:12 P. M.

Act No. 617

H. 1180—Morrow, Locke, Sessions, Vacca,
Bowers, Gilmore, Dominick,
Meeks, Rast, Bailes, Perry,
Etheredge, Hawkins

AN ACT

To provide that any city of the State having a population of more than 300,000 according to the last or any subsequent federal census shall have authority to provide for firemen and policemen of the city instruction and training in the disarming, neutralizing or rendering ineffective bombs or other explosives; to provide that any such city shall have the authority to enter into contracts with any person, firm or corporation, or the Federal Government or any State of the Union, or any agency or subdivision of the Federal Government or of any State providing for the city to pay a reasonable amount for instruction or training furnished to firemen and policemen of the city in the disarming, neutralizing or rendering ineffective bombs or other explosives; and to provide that any such city shall have authority to pay the expenses of firemen and policemen incurred in attending schools or courses providing for such instruction or training, and to carry firemen and policemen on a duty status, or pay status, while they are attending any such school or training course, or are en route to and from such school or course.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply to every city of the State having a population of more than 300,000, according to the last or any subsequent Federal census, and to no other city.

Section 2. The words and terms defined in this Section 2 shall have the meanings ascribed to them herein. The word "city" shall mean any city to which this act applies. The word "fireman" shall mean a member of the fire department of the city; and the word "policeman" shall mean a member of the police department of the city. The term "political entity" as used herein shall mean and include the following: The United States of America and any agency thereof, any State of the Union and any county, city, political subdivision or agency of any State of the Union.

Section 3. The city shall have authority to provide for firemen and policemen of the city instruction and training in the disarming, neutralizing or rendering ineffective bombs or other explosives.

Section 4. The city shall have authority to enter into contracts with any person, firm or corporation or political entity providing for the city to pay a reasonable amount to such person, firm or corporation or political entity in consideration for instruction or training furnished to firemen and policemen of the city in the disarming, neutralizing or rendering ineffective bombs or other explosives. The city shall have authority to pay the expenses of firemen and policemen incurred in attending schools or courses providing such instruction or training, and to carry firemen and policemen on a duty status, or pay status, while they are attending any such school or course or are en route to and from such schools or courses.

Section 5. This act shall become effective upon its approval by the Governor or upon its otherwise becoming a law.

Approved August 26, 1965.

Time: 7:13 P. M.

Act No. 618

H. 1181—Morrow, Meeks, Locke, Sessions,
Vacca, Bowers, Gilmore,
Dominick, Rast, Bailes,
Etheredge, Hawkins

AN ACT

To provide that when in any city of the State having a population of more than 300,000, according to the last or any subsequent Federal census, a fireman is assigned, or called upon, by one or more of his superior officers in the fire department to quell a riot, disorder or disturbance or to otherwise preserve the peace, while engaged in such duty he shall have the authority to make arrests conferred upon policemen of the city by the laws of the State of Alabama or by the ordinances of the city, as such laws and ordinances may be amended.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply to every city of the State having a population of more than 300,000, according to the last or any subsequent Federal Census, and to no other city.

Section 2. As used in this act, the word "city" shall mean any city to which this act applies; and the word "fireman" shall mean a member of the fire department of the city.

Section 3. When any fireman of the city is assigned, or called upon, by one or more of his superior officers in the fire department to quell a riot, disorder or disturbance or to preserve the peace, while engaged in such duty he shall have the authority to make arrests conferred upon policemen of the city by the laws of the State of Alabama or by the ordinances of the city, as such laws and ordinances may be amended.

Section 4. This act shall become effective upon its approval by the Governor or upon its otherwise becoming a law.

Approved August 26, 1965.

Time 7:14 P. M.

Act No. 619

H. 1182—Morrow, Locke, Sessions, Vacca,
Bowers, Gilmore, Dominick,
Meeks, Rast, Bailes, Perry,
Etheredge, Hawkins

AN ACT

To provide that in any city of the State having a population of more than 300,000, according to the last or any subsequent Federal census, an injury sustained by any member of the fire department of the city when he is on duty in said fire department and is engaged in quelling a riot, disorder, or other disturbance, or in otherwise preserving the peace of the city, shall be deemed to be an injury in the line of his duty in the fire department; and to provide that any member of the fire department so injured shall be entitled to the benefits provided by law for a fireman of the city injured in line of duty, and that the widow or dependents of any fireman dying as the result of any such injury shall be entitled to the pension or benefit payable to the widow or dependents of a fireman of such city killed in the line of duty.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply to every city of the State having a population of more than 300,000, according to the last or any subsequent Federal census, and to no other city.

Section 2. The word "city" as used herein shall mean a

city to which this act applies. The word "fireman" as used herein shall mean a member of the fire department of the city.

Section 3. The purpose of this act is to secure for firemen of the city injured in quelling a riot, disorder or disturbance, or in otherwise preserving the peace of the city all benefits provided by law for firemen injured in the line of duty, and to secure for the widow or dependents of any fireman dying as the result of such injury the pension or benefits provided by law for the widow or dependents of a fireman killed in the line of duty.

Section 4. Any injury to any fireman of the city sustained by him when he is on duty in the fire department and is engaged in quelling a riot, disorder or disturbance, or in otherwise preserving the peace of the city, shall be deemed to be an injury within the line of his duty in the fire department. Any member of the fire department so injured shall be entitled to receive for such injury the benefits provided by law for a fireman of the city injured in the line of duty. When any fireman of the city dies as a result of any such injury, his widow or dependents shall receive the pension or benefits payable to the widow or dependents of a fireman of the city killed in the line of duty.

Section 5. This act shall become effective upon its approval by the Governor or upon its otherwise becoming a law.

Approved August 26, 1965.

Time: 9:15 P. M.

Act No. 620

H. 1189—Engel

AN ACT

To further amend Section 1 of Act No. 210, H. 699, Acts of Alabama 1955, (Vol. 1, p. 515), approved August 3, 1955, entitled "an Act to provide further for the compensation of the Circuit Solicitor in Circuits composed of one County and having not less than four nor more than nine Circuit Judges", as amended by Act No. 344, H. 127, Acts of Alabama, 1957, (Vol. 1, p. 456), approved August 20, 1957 and codified as Section 227 (1), Title 13, Code of Alabama of 1940, and as further amended by Act 117, H. 130, Acts of Alabama, 1964, approved August 24, 1964, page 177.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 1 of Act No. 210, H. 699, Acts of Alabama, 1955, (Vol. 1, p. 515) approved August 3, 1955, entitled "An Act to provide further for the compensation of the Circuit Solicitor in Circuits composed of one County and

having not less than four nor more than nine Circuit Judges", as amended by Act No. 344, H. 127, Acts of Alabama of 1957, (Vol. 1, p. 456), approved August 20, 1957 and codified as Section 227 (1), Title 13, Code of Alabama of 1940, and as further amended by Act No. 117, H. 130, Acts of Alabama, 1964, approved August 24, 1964, page 177, is further amended to read as follows:

"Section 1. Beginning with the next term of office of the Circuit Solicitor in Circuits composed of only one County and having not less than four nor more than nine Circuit Judges, there shall be paid to the Circuit Solicitor of such Circuit, from the general fund of the County Treasury, in equal monthly installments, an annual supplement to his salary payable by the State, in the amount of Five thousand five hundred fifty dollars."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved August 26, 1965.

Time: 9:20 P. M.

Act No. 621

H. 1201—Holladay

AN ACT

To apply only in counties having populations of not less than 24,800 nor more than 25,400, according to the most recent federal decennial census; regulating the mileage allowance of members of the court of county commissioners, board of revenue, or other like governing body of such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 24,800 nor more than 25,400, according to the most recent federal decennial census, each member of the court of county commissioners, board of revenue, or other like governing body of the county shall be allowed mileage of ten cents per mile traveled in going to and returning from the court and for each mile traveled in the discharge of his duties in letting out, inspecting and accepting, building or repairing any of the county bridges or county buildings, roads or works.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately

upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 26, 1965.

Time: 9:21 P. M.

Act No. 622

H. 1208—Avery

AN ACT

To amend Section 1 of Act No. 237, H. 274, First Special Session 1964 (Acts 1964, p. 322), an Act providing expense allowances for members of the governing bodies of counties having populations of not less than 19,500 nor more than 20,000, so as to provide that such expense allowances shall be paid from the gasoline tax fund of any such county.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 237, H. 274, First Special Session 1964 (Acts 1964, p. 322), an Act providing expense allowances for members of the governing bodies of counties having populations of not less than 19,500 nor more than 20,000, is amended to read as follows:

“Section 1. In all counties having populations of not less than 19,500 nor more than 20,000, according to the most recent federal decennial census, the court of county commissioners, board of revenue, or other like governing body of the county may provide from the county gasoline tax fund an expense allowance for each member of the court or board, provided the amount thereof shall not exceed \$100 a month each. The amount of the allowance shall be fixed by resolution of the court or board, as the case may be, and shall be recorded in the minutes of the court. The chairman or presiding judge of the court or board shall also be provided an expense allowance not exceeding \$200 a month, to be fixed by resolution of the court or board and paid out of the county gasoline tax fund.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 26, 1965.

Time: 9:22 P. M.

Act No. 623

H. 1210—Cates

AN ACT

To apply only in counties having populations of not less than 32,000 nor more than 33,500; providing expense allowance for members of the county board of equalization payable from the general funds of the

county; giving the act retroactive effect and repealing Act No. 215, Acts of Alabama 1964, page 297, First Special Session.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 32,000 nor more than 33,500, according to the most recent federal decennial census, the chairman and each member of the county board of equalization shall be entitled to \$5.00 a day for expenses for each day's attendance on meetings of the board as provided by law. The allowance herein provided for shall be in addition to the per diem provided members of the county board of equalization and shall be paid from the general fund of the county.

Section 2. This act shall be given retroactive effect to September 2, 1964.

Section 3. Act No. 215 Acts of Alabama 1964, First Special Session page 297, is hereby repealed.

Approved August 26, 1965.

Time: 9:23 P. M.

Act No. 624

H. 1001—Dominick, Bowers, Etheredge,
Rast, Sessions, Bethea (M),
Bethea (B), Perry

AN ACT

To provide that in all counties having a population of more than 600,000 inhabitants according to the last or any succeeding census, it shall be unlawful for any person to file for record certain legal documents that do not have legibly printed, typewritten or stamped thereon the name and address of the person or persons who prepared such legal documents, and to provide that it shall be a misdemeanor for anyone to falsify said statement; and

To further provide that in all such counties, the judge of probate shall not be liable in damages or penalty for any error or mistake in the performance of the duties prescribed by this Act if committed in good faith.

Be It Enacted by the Legislature of Alabama:

Section 1. That in all counties having a population of over 600,000 inhabitants according to the last or any succeeding federal census, no probate judge shall receive for record or permit the recording of any instrument in which the title to real property, or any interest therein, or lien thereon, is conveyed, granted, encumbered, assigned, or otherwise disposed of, or any instrument relating to the organization, reorganization or dissolution of a private corporation, unless such an instrument has endorsed on it, a printed, typewritten or stamped

statement showing the name and address of the individual who prepared the instrument.

Section 2. The probate judge shall not be liable in damages or penalty for any error or mistake in the performance of the duties prescribed by this Act if committed in good faith.

Section 3. Any person who falsifies or is a party to the falsification of such a statement as described in Section 1 hereof, shall be guilty of a misdemeanor.

Section 4. Section 1 of this Act shall not apply to any will, decree, court order or judgment; to any instrument executed or acknowledged prior to the effective date hereof; nor to any instrument executed or acknowledged outside of the county or counties to which this Act applies.

Section 5. An instrument will be in compliance with this Act if it contains a statement in the following form: "This instrument was prepared by (Name) _____, (Address) _____."

Section 6. All laws and parts of laws, whether general or special or local, in conflict with the provisions of this Act are hereby repealed to the extent that they conflict with this Act.

Section 7. If any provision or part of this Act is held invalid, it shall not affect the validity of the remaining parts of this Act.

Section 8. This Act shall become effective January 1, 1966.

Approved August 26, 1965.

Time: 9:25: P. M.

Act No. 625

H. 1002—Rast, Collins (Jefferson),
Hawkins, Brown (Jefferson),
Sessions, Meeks, Bethea (M),
Dominick, Etheredge, Gilmore,
Perry

AN ACT

To provide for the sale and transfer of the assets and facilities and for the merger and dissolution of public improvement authorities in counties having a population of 500,000 or more according to the last or any subsequent federal census which have been or may be created or organized under Chapter 3, of Title 50, of the 1958 Recompiled Code of Alabama (General Acts 1935, page 72, as amended by General Acts, 1956, 2nd Extra Session, page 359, and by General Acts, 1957, page 611); and to provide for the payment or assumption of all obligations of such

authority or authorities in the event of any such merger, sale or dissolution.

Be It Enacted by the Legislature of Alabama:

Section 1: This Act shall apply and be applicable only to public improvement authorities organized under Chapter 3, Title 50, of the 1958 Recompiled Code of Alabama (General Acts, 1935, page 72, as amended by General Acts, 1956, 2nd Extra Session, page 359, and by General Acts, 1957, page 611) in counties having a population of 500,000 or more according to the last or any subsequent federal census.

Section 2. Chapter 3 of Title 50 of the 1958 Recompiled Code of Alabama (and General Acts, 1935, page 72) is amended by adding thereto the following as Title 50, Section 38(1) of the 1958 Recompiled Code of Alabama (and will be Section 23(1) of Act No. 40, Regular Session, 1935, Approved February 7, 1935).

"Section 38(1). Sale or Transfer of Assets and Facilities or Merger of Authority.—All of the assets and facilities of any authority created and organized under this chapter in counties having a population of 500,000 or more according to the last or any subsequent federal census may be transferred, sold and conveyed to, and any such authority in said county or counties may be merged with any other authority created and organized under this chapter in such county or counties, or with any utility, public or private, or any municipal board or agency, rendering the same or a similar service in the general area near or contiguous to the area served by such authority in such county created under this Act, subject to and with the approval of a majority of the electors of the territory served by such authority created under this Act. Any proposal for such sale, transfer or merger shall not be submitted to the electors of the territory served by such authority until and unless a definitive contract has been entered into providing for such sale or merger, for the assumption or payment of all obligations of such authority and subject to and contingent upon approval of a majority of electors in the area served by such authority participating in an election to be called and held for the purpose of submitting such proposal. Upon execution of any such contract or agreement, the trustees of such authority shall adopt a resolution requesting the probate judge to cause the question of approval of such proposed contract to be submitted to a vote of the electors of all boxes, any part of which is served by such authority at the next general, special or local election, at which the issue shall be submitted in substantially the following form:

Shall the contract providing for the sale and transfer of

the assets and facilities of the (name improvement authority) to (proposed vendee or transferee) be approved, or

Shall the contract providing for the merger of the assets and facilities of the (name improvement authority with (name authority, agency or company with which to be merged) be approved.

Upon receipt of a certified copy of such resolution, the probate judge of such county in which the authority is located shall designate the day for the holding of a special election to ascertain the will of the electors as to such question, which said election shall be held on the date of the next special or general election. The provision of the election laws covering the registration of voters, equipment of polling places, furnishing of supplies, appointment of election officers, voting and canvassing of returns at a general election shall apply to such election. The cost of such election shall be paid by such city or town or the governing body of the county in which such unincorporated area is located, but such city or county shall be reimbursed for such cost by the authority or by the agency or company to whom the assets and facilities of such authority are to be sold or with which it is to be merged. In the event a majority of the electors who vote in such election approve the contract for the sale, transfer or merger of the property and facilities of the authority, then the board of trustees of such authority shall proceed immediately with consummation of such agreement and transfer of such assets and facilities, following which they shall file in the office of the probate judge of the county in which said authority operated and with the Secretary of State a certificate of dissolution of the authority executed by all trustees and upon the filing of such certificate such authority shall be dissolved. No such contract shall be entered into and no such election shall be held unless provision is made for the payment or lawful assumption of all obligations of such authority by the proposed vendee or merging organization or agency. The obligations of contracts of such authority shall not in any manner be impaired. Funds to provide for the payment of obligations issued by such authority shall be raised, collected and paid for by the vendee or merged authority, agency or company as though this section had not been adopted and such obligations shall remain a charge, lien or other encumbrance upon revenues derived from the area served by such authority. All contracts of such authority shall be assumed by the vendee or merged agency or company or authority and the terms and conditions to be performed on the part of such authority shall be complied with and performed by the vendee or merged agency or authority and the benefits of such contracts shall inure to the benefit of such vendee or such merged agency or authority.

Section 3. All laws or parts of laws in conflict with this Act are hereby repealed.

Section 4. This Act shall become effective upon its passage and approval by the Governor, or its otherwise becoming a law."

Approved August 26, 1965.

Time: 9:26 P. M.

Act No. 626

H. 1015—Engel

AN ACT

To amend Section 10, of Act No. 934 approved September 9, 1961, General Acts of Alabama, 1961, Vol. II, page 1506, entitled:

"To provide for a program of tax equalization of all real property in any county of the state having a population of not less than 300,000 nor more than 500,000 according to the last or any subsequent federal decennial census; to more fully define the duty, authority and responsibility of the Tax Assessor of such counties in the matter of equalizing assessments of real property within such counties; to provide for the division of such counties into districts for the purpose of tax assessment records; to require that certain records be kept and maintained on a current basis by the Tax Assessor of such counties; to describe the manner in which such records are to be kept; to provide a time within which the equalization program required herein is to be initially completed; to provide for a continuous program of appraisal of real property within such counties; to provide for the assessments of improvements to real property within such counties; to prescribe penalties for failure to assess, or properly assess, improvements to real property within such counties; to prohibit the remittance of any such penalties except as provided for by this Act; to provide for the publishing of reports of the progress of the carrying out of the provisions of the Act; to provide for a portable set of assessment records for use by appraiser appointed by the Tax Assessor; to define the duties of the Board of Equalization in such counties in the matter of the equalization of assessments of real property; to provide that no outstanding obligations against the proceeds of any tax derived from assessments of real properties in such counties shall be impaired by the provisions of this Act; to provide for appeals of any assessment made by the Tax Assessor or ruling of the Board of Equalization of such counties; to provide for the necessary personnel, supplies, materials, and equipment to carry out the provisions of this Act and to provide the manner in which personnel are to be appointed in such counties; to provide for the severability of the provisions of the Act; to repeal all laws or parts of laws in conflict with the provisions of this Act."

Be It Enacted by the Legislature of Alabama:

Section 1. That any word or combination of words used in Act No. 934 approved September 9, 1961, General Acts of Alabama, 1961, Vol. II, page 1506, to provide that the initial period of equalization under said Act shall encompass a period not to exceed four years, are hereby amended to provide that

such initial period of equalization under said Act shall encompass a period not to exceed five years.

Section 2. All laws or parts of laws in conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 26, 1965.

Time: 9:27 P. M.

Act No. 627 H.1019—Turner (Limestone), Hannah, Boston
AN ACT

Relating to the development of the Elk River Watershed area; creating the Elk River Development Agency as an agency of the State of Alabama for such purpose; providing for its incorporation as a public body corporate; prescribing its authority, powers, duties, functions, and management; authorizing the agency to issue bonds, and the counties of Lauderdale and Limestone and municipalities therein to contribute funds and levy taxes for its use.

Be It Enacted by the Legislature of Alabama:

Section 1. In the interest of the unified development of the Alabama portion of the Elk River Watershed and for purposes of cooperation with the Tennessee Elk River Area Development Agency, there is hereby authorized, and shall be established as hereinafter provided a state development agency for the Alabama portion of the Elk River watershed. The agency, when incorporated in accordance herewith, shall be an instrumentality of the State of Alabama.

Section 2. The organization and establishment of the agency shall be as follows:

(a) The respective courts of county commissioners or other like governing bodies of the counties of Lauderdale and Limestone shall each nominate by majority vote three candidates for each of two memberships on the Board of Directors of the agency. Candidates shall be selected from persons residing in these counties and active in municipal, industrial, agricultural, commercial, or citizen organizations engaged in promoting comprehensive and unified development of the resources of the watershed as a basis for its general economic growth. The probate judge of each county shall certify the nominations for the two directorships from his county to the Governor, who shall, upon receipt thereof, appoint from the nominees from each county two directors, one from each group of three nominated

for each directorship. One member from each county shall be appointed for a two-year term, one member from Lauderdale County for a four-year term, and one member from Limestone County for a six-year term. However, such terms shall continue in all events until successors are appointed. Successors shall be appointed for terms of six years. In the event of a vacancy on the Board, the Governor shall appoint a successor for the unexpired term.

(b) The Governor shall appoint an additional Director from his cabinet or staff to serve during the Governor's term of office, and succeeding Governors shall similarly appoint such a Director.

(c) The respective courts of county commissioners or other like governing bodies of the counties of Lauderdale and Limestone shall each nominate by majority vote three incumbent mayors of the incorporated cities and towns within the county and submit such nominations to the Governor, who shall appoint one mayor from each county to serve as a Director, for a term of four years, or during his continuance in office as mayor, if his incumbency in such office be less than four years.

Section 3. To become a corporation, the members of the Board of the agency shall present to the Secretary of State an application signed by them which shall set forth: (1) the name, official designation, and official residence of each of the applicants, together with a certified copy of the resolution, order, or commission evidencing his right to office; (2) the term of office of each of the applicants; (3) the name of the proposed corporation; (4) the location of the principal office of the proposed corporation; and (5) any other matter relating to the incorporation which the applicants may choose to insert and which is not inconsistent with this Act or the laws of the State of Alabama. The applications shall be subscribed and sworn to by each of the applicants before an officer authorized by the laws of this state to take acknowledgements to deeds. The Secretary of State shall examine the application presented to him, and, if he finds that it substantially complies with the requirements of this section, he shall receive and file it and record it in an appropriate book of records in his office. When the application has been made, filed, and recorded as herein provided, the applicants shall constitute a corporation under the name proposed in the application, and the Secretary of State shall make and issue to the applicants a certificate of incorporation pursuant to this Act, and shall record the certificate with the application. There shall be no fees paid to the Secretary of State for any work done in connection with the incorporation above provided for.

Section 4. (a) Upon completion of the membership of the

Board and incorporation as provided in section 2 and 3, the appointees and ex officio members shall meet and organize at Athens, Alabama, elect a Chairman, Vice-Chairman, and Secretary-Treasurer, and set a regular time and place for meetings of the Board.

(b) Directors shall serve without compensation, except reimbursement for actual traveling expenses and other necessary expenses incurred in the performance of their official duties, such expenses to be reimbursed from such funds as may be available to the agency.

Section 5. The powers, duties and functions of the agency shall be as follows:

(a) General. The agency

(i) Shall have perpetual succession in its corporate name. (ii) May sue and be sued in its corporate name. (iii) May adopt, use and alter a corporate seal, which shall be judicially noticed. (iv) May enter into such contracts and cooperative agreements with the Federal, State, and local governments, with agencies of such Governments, with private individuals, corporations, associations, and other organizations as the Board may deem necessary or convenient to enable it to carry out the purposes of this Act. This authority shall include without limitation contracts and cooperative arrangements with adjoining states, counties, and municipalities in such states, and agencies of such states, including the Tennessee Elk River Development Agency. (v) May adopt, amend, and repeal by-laws. (vi) May appoint such managers, officers, employees, attorneys, and agents as the Board deems necessary for the transaction of its business, fix their compensation, define their duties, require bonds of such of them as the Board may determine. The salaries of any such employees may be paid out of such funds as may be available to the agency from any source. The employees of the corporation shall not be subject to the State Merit System; but they shall be members of the Employees Retirement System of Alabama the same as other employees in state service.

(b) Formulation and Execution of Development Plans

The agency is authorized to:

(i) Investigate the resources of the Alabama portion of the Elk River Watershed and determine the requirements for its full development and for control and development of its stream system as an integral part of the economy of the area. (ii) Develop and carry out a unified, comprehensive program of resource development designed to encourage and assist the economic growth of the area. This program shall be consistent with plans for statewide economic development and with plans of

Federal agencies for the development of the entire Elk River Watershed and with plans of Tennessee agencies for the development of the Tennessee portion thereof. (iii) In making such investigations and in formulating development plans, seek and utilize the assistance of appropriate Federal, state and local agencies and of private citizens and citizen organizations interested in the conservation and development of the resources of the area. (iv) Provide for the construction of water control structures, channel improvements, and facilities for navigation, drainage, irrigation, water conservation and supply, industrial development, and recreation, as a part of comprehensive plans and, in aid of such activities, to accept loans, grants, or other assistance from Federal, state, and local governments or from agencies of such governments. (v) Arrange with any city, county, municipality, or supplier of utilities, for the abandonment, relocation, or other adjustment of roads, highways, bridges, and utility lines.

(c) Land Acquisition

The agency may acquire by purchase, lease, gift, or condemnation, property of any kind, real, personal, or mixed, or any interest therein, that the Board deems necessary or convenient to the exercise of its powers or functions; **provided**, that acquisition by condemnation shall be limited to land, rights in land, including leaseholds and easements, and water rights in the Alabama portion of the Elk River Watershed that the Board determines to be necessary to the control and optimum development of the Elk River. The amount and character of the interests in land, rights in land, and water rights to be acquired in such area shall be determined by the Board of Directors, and its determination shall be conclusive. The agency's power of eminent domain may be exercised under Title 19 of the Code of Alabama, and any amendments thereto, or pursuant to any other applicable statutory provisions, now in force or hereafter enacted for the exercise of the power of eminent domain. The agency is expressly authorized to acquire by condemnation or otherwise, and hold for resale to private or other industrial organizations, lands in the Alabama portion of the Elk River Watershed, that it determines to be suitable for industrial uses, and such acquisition is hereby declared to be for the public purpose of the state's industrial development and for the increase of industrial employment opportunities. Nothing herein shall be construed to authorize the acquisition by eminent domain of any real property or rights owned or controlled by railroads or utilities, both public or private.

(d) Management and Operation. The agency may

(i) Enter into contracts with municipalities, corporations, other public agencies, or political subdivisions of any kind,

or with others for the sale of water for municipal, domestic, agricultural, or industrial use, or of any other services, facilities, or commodities that the agency may be in a position to supply. (ii) Develop reservoirs and shoreline lands for recreational use and provide for their operation for this purpose directly or by concessionaires, licensees, lessees, or vendees of shoreline lands. (iii) Sell or lease shoreline lands acquired in connection with development of the stream system for uses consistent with the agency's development plan and subject to such restriction as the agency deems necessary for reservoir protection and to such requirements as to (1) character of improvements or activities and (2) time within which such improvements or activities shall be undertaken as the agency deems appropriate to its overall development plan. (iv) Acquire or operate shoreline lands of reservoirs owned by the United States of America as the agent of the Federal agency having custody and control thereof under appropriate agreements with such agencies. (v) Acquire, construct, or operate such other facilities or works of improvement as are necessary to effectuate plans for comprehensive development of the area.

(e) **Financing.** The agency may

(i) Issue its bonds from time to time for the purpose of paying in whole or in part the cost of the acquisition of necessary land or interests therein and the development of the resources of the watershed for which it is created, and expenses incidental thereto; (ii) Secure such bonds by a pledge of all or any of the revenues which may now or hereafter come to the agency from any source, by a mortgage or deed of trust of the agency's land or any part thereof, or by a combination of the two; and (iii) Make such contracts in the issuance of such bonds as may seem necessary or desirable to assure the marketability thereof. (iv) All bonds issued by the agency shall be signed by the chairman of its board or other chief executive officer and attested by its secretary, and the seal of the agency shall be affixed thereto, and any interest coupons applicable to the bonds of the agency shall be signed by the chairman of its board or other chief executive officer; provided, that a facsimile of the signature of one, but not both, of said officers may be printed or otherwise reproduced on any such bonds in lieu of his manually signing the same, a facsimile of the seal of the agency may be printed or otherwise reproduced on any such bonds in lieu of being manually affixed thereto, and a facsimile of the signature of the chairman of its board or other chief executive officer may be printed or otherwise reproduced on any such interest coupons in lieu of his manually signing the same. Any such bonds may be executed and delivered by the agency at any time and from time to time, shall be in such form and de-

nominations and of such tenor and maturities, shall contain such provisions not inconsistent with the provisions of this Act, and shall bear such rate of rates of interest, payable and evidenced in such manner, as may be provided by resolution of its board. Bonds of the agency may be sold at either public or private sale in such manner and at such price or prices and at such time or times as may be determined by the board to be most advantageous. The principal of and interest on any bonds issued by the agency may thereafter at any time (whether before, at or after maturity of any such principal and whether at, after or not exceeding six months prior to the maturity of any such interest) and from time to time be refunded by the issuance of refunding bonds of the agency, which may be sold by the agency at public or private sale at such price or prices as may be determined by its board to be most advantageous, or which may be exchanged for the bonds or other obligations to be refunded. The agency may pay all expenses, premiums and commissions which its board may deem necessary and advantageous in connection with any financing done by it. All bonds issued by the agency shall be construed to be negotiable instruments although payable solely from a specified source. All obligations and bonds issued by the agency shall be solely and exclusively an obligation of the agency, and shall not create an obligation or debt of the state or of any county or municipality. Any bonds issued by the agency shall be limited or special obligations of the agency payable solely out of the revenues of the agency specified in the proceedings authorizing those bonds. Any such proceedings may provide that the bonds therein authorized shall be payable solely out of the revenues derived from the operation and sale of property and facilities owned by the agency, or solely out of the revenues from the sale and operation of any one or more of such properties and facilities or parts thereof, regardless of the fact that those bonds may have been issued with respect to or for the benefit only of certain particular systems or facilities of the agency. The agency may pledge for the payment of any of its bonds the revenues from which such bonds are payable, and may execute and deliver a trust indenture evidencing any such pledge or a mortgage and deed of trust conveying as security for such bonds the property and facilities, or any part thereof, the revenues or any part of the revenues from which are so pledged. Any mortgage and deed of trust or trust indenture made by the agency may contain such agreements as the board may deem advisable respecting the sale, operation and maintenance of the property and the use of the revenues subject to such mortgage and deed of trust or affected by such trust indenture, and respecting the rights, duties, and remedies of the parties to any such instrument and the parties for the benefit of whom such in-

strument is made; provided, that no such instrument shall be subject to foreclosure. (v) As security for payment of the principal of and interest on bonds issued by it, the agency may enter into a contract or contracts binding itself for the proper application of the proceeds of bonds and other funds, for the continued operation and maintenance of any property and facility owned by it, or any part or parts thereof, for the imposition and collection of reasonable rates for and the promulgation or reasonable regulations respecting any service furnished from such facility, for the disposition and application of its gross revenues or any part thereof, and for any other act or series of acts not inconsistent with the provisions of this Act for the protection of the bonds and other obligations being secured and the assurance that the revenues from such facility will be sufficient to operate such facility, maintain the same in good repair and in good operating condition, pay the principal of and interest on any bonds payable from such revenues, and maintain such reserves as may be deemed appropriate for the protection of the bonds, the efficient operation of such property or facility, and the making of replacements thereof and capital improvements thereto. Any contract pursuant to the provisions of this section may be set forth in any resolution of the board authorizing the issuance of bonds or in any mortgage and deed of trust, or trust indenture made by the agency hereunder. (vi) Any resolution of the board or trust indenture, under which bonds may be issued pursuant to the provisions of this Act may contain provisions creating a statutory mortgage lien, in favor of the holders of such bonds and of the interest coupons applicable thereto, on the property and facilities, or either (including any after-acquired property) out of the revenues from which such bonds are made payable. The said resolution of the board or the said trust indenture may provide for the filing for record in the office of the Judge of Probate of each county in which any part of such property and facilities, or either, may be located of a notice containing a brief description of such property and facilities, or either, a brief description of such bonds, and a declaration that said statutory mortgage lien has been created for the benefit of the holders of such bonds and the interest coupons applicable thereto, upon such property and facilities, or either, including any additions thereto and extensions thereof. Each Judge of Probate shall receive, record and index any such notice filed for record in his office. The recording of such notice, as herein provided, shall operate as constructive notice of the contents thereof. (vii) All moneys derived from the sale of any bonds issued by the agency shall be used solely for the purpose or purposes for which the same are authorized and any costs and expenses incidental thereto. Such costs and expenses may include but shall not be

limited to (1) the fiscal, engineering, legal and other expenses incurred in connection with the issuance of the bonds, (2) in the case of bonds issued to pay costs of construction, interest on such bonds (or, if a part only of any series of bonds is issued for construction purposes, interest on that portion of the bonds of that series that is issued to pay construction costs) prior to and during such construction and for not exceeding one year after completion of such construction, and (3) in the case of bonds issued for the purpose of refunding principal and interest, or either, with respect to bonds issued by the agency, any premium that it may be necessary to pay in order to redeem or retire the bonds or other obligations to be refunded.

(f) **Exemption from Taxation.** The agency, the property and income of the agency, all bonds issued by the agency, the income from such bonds, conveyances by or to the agency and leases, mortgages and deeds of trust by or to the agency shall be exempt from all taxation in the State of Alabama. The agency shall not be obligated to pay or allow any fees, taxes or costs to the Judge of Probate of any county in respect of its incorporation, the amendment of its certification of incorporation, or the recording of any document. No license or excise tax may be imposed on any agency in respect of the privilege of engaging in any of the activities authorized by this Act.

Section 6. Lauderdale and Limestone Counties and the municipalities located in the Alabama portion of the Elk River Watershed are hereby authorized and empowered to contribute to the work of the agency any amount or amounts of money that their respective governing bodies, acting in their sole discretion, shall approve to be paid from the general fund of the respective county or municipality. Governing bodies of such counties or municipalities are hereby empowered to levy and collect ad valorem taxes within constitutional limits for such purposes, which are hereby declared to be for municipal and county public purposes.

Section 7. The Board of Directors of the agency shall report annually to the Governor of the State of Alabama and shall likewise report annually to the governing bodies of Lauderdale and Limestone Counties and the incorporated municipalities of the watershed. Such reports shall include a statement of financial receipts and expenditures, and a summary of all activities and accomplishments for the period and proposed plans for the next year.

Section 8. All agencies of the State of Alabama are hereby authorized and directed to extend their cooperation

and lend assistance to the agency in the formulation and implementation of a development program.

Section 9. For the purpose of coordinating its activities with the needs and undertakings of other local organizations and groups, the Board of Directors may establish an advisory board consisting of the Chairman of the Board of Directors of the agency (who shall be chairman of the advisory board), and of sufficient members to represent adequately so far as possible industry, commerce, agriculture, the general public, any official planning and developmental bodies in the locality, and organized citizens groups working for the development of the Elk River area.

Section 10. This Act shall be considered supplemental and additional to any and all other laws and confers sufficient authority in and of itself for the purposes set forth herein. This Act shall be liberally construed to effectuate its purpose of facilitating the development of the resources of the watersheds affected.

Section 11. If any clause, sentence, paragraph, section, or any part of this Act shall be held or declared to be unconstitutional and void, it shall not affect the remaining part or parts of this Act, it being hereby declared to be the legislative intent to have passed the remainder of this Act, notwithstanding the part held to be invalid if any.

Section 12. This Act shall become effective upon the ratification of an Amendment to the Constitution of Alabama authorizing the legislature to enact laws providing for a public corporation to engage in the transactions and work provided for in this Act.

Approved August 26, 1965.

Time: 9:28 P. M.

Act No. 628

H. 1022—Sullivan

AN ACT

To provide clerk-hire allowance for certain officers of all counties having populations of not less than 21,850 nor more than 21,950.

Be It Enacted by the Legislature of Alabama:

Section 1. The court of county commissioners, board of revenue, or other like governing body of any county having a population of not less than 21,850 nor more than 21,950, according to the 1960 or any subsequent federal decennial census, may provide a clerk hire allowance of not more than two hundred dollars (\$200.00) per month each, for the use of

the circuit clerk, the tax collector, and the tax assessor of said county. The allowance, if provided by the governing body of the county, shall be paid from the general fund of the county in such manner as the governing body may direct.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 26, 1965.

Time: 9:30 P. M.

Act No. 629

H. 1030—Gilmore, Rast, Brown (Jefferson),
Meeks, Morrow, Bailes, Vacca,
Sessions, Bowers

AN ACT

To provide that in every county of the State having a population of 500,000 or more, according to the last or any subsequent federal census, primaries for the nomination of candidates for certain offices, designated in this act, shall be held at the time specified in this act and the general election to fill such offices shall be held at the time specified in the act; to provide, with respect to such primaries, that the first primary shall be held on the first Tuesday following the 15th of July next preceding the general election of said officers and that the run-off primary, if necessary, shall be held on the fourth Tuesday following the first primary; to provide that the general election of each of such officers shall be held on the first Tuesday in the October next preceding the expiration of the term of the person then holding the office; to provide that this act shall apply to the offices held by the following: the Judges of the Circuit Court where only qualified electors of said county or only qualified electors of a part of said county are entitled to participate in the election of the Circuit Judges serving in the county; the Circuit Solicitor where only qualified electors of said county are entitled to participate in his election; the members of the governing body of the county; the Probate Judge; the Sheriff; the Tax Collector; the Tax Assessor; the County Treasurer; justices of the peace; constables; the deputy of any of the foregoing officers where such deputy is elected by the voters residing in a designated part of the county; any other county officer elected at or in an election at or in which only the qualified electors of said county or the qualified electors of a designated part of said county are entitled to vote; and any party officer elected at a primary election in which primary election of such party officer only the qualified electors of the county or a part of the county are entitled to vote.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply to any county of the State having a population of 500,000 or more, according to the last or any subsequent federal census and to no other county. The term "the county" as used herein means any county subject to this act.

Section 2. Whereas, in the county the number of candidates in the primaries and in the general elections has been so great in recent years that there is grave danger that it will be impossible to use voting machines in primaries and elections in the county, the Legislature of Alabama adopts this act to eliminate such danger by providing that the primaries for the nomination of candidates for certain offices and the elections to fill said offices, where the result of said primaries and said elections is determined by a countywide vote, or by a vote of a part of the county, shall be held at times different from the times now fixed for holding primaries and elections the result of which is determined by a State-wide vote. This act shall not have the effect of extending, or otherwise changing, the term of any officer.

Section 3. In any county to which this act applies the provisions of Section 4 of the act shall govern as to the time of the primaries in which candidates for the offices hereinafter enumerated in this Section 3 are nominated; and the provisions of said Section 4 shall also govern as to the time of the general elections to fill such offices. This act shall apply to the offices held by the following: the Judges of the Circuit Court where only qualified electors of said county or only qualified electors of a part of said county are entitled to participate in the election of the Circuit Judges serving in the county; the Circuit Solicitor where only qualified electors of said county are entitled to participate in his election; the members of the governing body of the county; the Probate Judge; the Sheriff; the Tax Collector; the Tax Assessor; the County Treasurer; justices of the peace; constables; the deputy of any of the foregoing officers where such deputy is elected by the voters residing in a designated part of the county; any other county officer elected at or in an election at or in which only the qualified electors of said county or the qualified electors of a designated part of said county are entitled to vote; and any party officer elected at a primary election in which primary election of such party officer only the qualified electors of the county or a part of the county are entitled to vote.

Section 4. Primaries for the nomination of candidates for the officers enumerated in Section 3 of this act shall be held at the following time: The first primary shall be held on the first Tuesday following the 15th of July next preceding the general election held to fill said offices; and the run-off primary, if necessary; shall be held on the 4th Tuesday following the first primary.

The general elections of such offices shall be held on the first Tuesday in the October next preceding the expiration of the terms of the persons then holding said offices.

Section 5. All laws and parts of laws, whether general, local or special are hereby repealed to the extent that they conflict with the provisions of this act.

Section 6. Should any provisions of this act be held invalid, the invalidity thereof shall not affect the remaining provisions of this act. In the event this act should be held invalid as applied to the nomination for or the election to any office enumerated herein, the act shall, nevertheless, apply to the nominations for or elections to all other offices enumerated herein.

Section 7. This act shall become effective upon its approval by the Governor or upon its otherwise becoming a law.

Approved August 26, 1965.

Time: 9:31 P. M.

Act No. 630

H. 1034—Meade

AN ACT

To amend Act No. 505, Acts of Alabama 1963, Vol. 2, page 1087, to provide that it shall not be a requirement that the person appointed to fill a vacancy in the office of the Judge of the Cherokee County Court be an elector of Cherokee County, Alabama, but to require him to reside within the county during his term of office.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 505, Acts of Alabama 1963, Vol. 2, page 1087, which act created the Cherokee County Court is hereby amended as follows: "Section 20. It shall not be a requirement for any person appointed to fill a vacancy in the office of Judge of the Cherokee County Court that such person so appointed be a qualified elector of Cherokee County, Alabama. However, any person so appointed as Judge of said Court must reside in Cherokee County, Alabama during his term of office."

Section 2. All other provisions of the said act not in conflict herewith shall remain in full force and effect.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved August 26, 1965.

Time: 9:32 P. M.

Act No. 631

H. 1035—Meade

AN ACT

Relating to Cherokee County; fixing the compensation of certain county officers; further amending Act No. 162, S. 210, Regular Session 1943 (Local Acts 1943, page 78), as amended.

Be It Enacted by the Legislature of Alabama:

Section 1 of Act No. 162, S. 210, Regular Session 1943 (Local Acts 1943, p. 78) is further amended to read as follows:

"Section 1. That commencing at the beginning of their next term of office the salaries of the following named officers of Cherokee County, Alabama, shall be as follows per annum net:

"Judge of Probate—\$7,200.00; Clerk of the Circuit Court—\$6,000; Tax Collector—\$6,000; Tax Assessor—\$6,000; Sheriff—\$6,000; Register in Chancery—\$3,600.

"The said annual salary or compensation of each of said officers shall be paid out of the county treasury in equal monthly installments at the end of each month, upon warrants drawn in the same manner as employees of Cherokee County are paid. It is further provided that the tax assessor and the tax collector shall not be required to make the rounds required to be made in Section 38, Title 51, Code of Alabama 1940."

This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 26, 1965.

Time: 9:35 P. M.

Act No. 632

H. 1036—Meade

AN ACT

To amend Section 1 of Act No. 143, Acts of Alabama 1963, Volume 1, page 519, relating to the compensation of clerks, deputies and assistants to the circuit clerk of Cherokee County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 143, Acts of Alabama 1963, Volume 1, page 519, is hereby amended to read as follows:

"Section 1. The board of revenue or other like governing body of Cherokee County is required, authorized and empowered to provide sufficient clerks, deputies and assistants to the circuit clerk of Cherokee County, but the circuit clerk

shall select the said clerks, deputies and other assistants and shall fix their compensation, subject to the prior approval of the board of revenue of Cherokee County, Alabama. The circuit clerk shall have the right to discharge the said clerks, deputies, and assistants at will. The salary or compensation of the clerks, deputies and assistants shall be paid in equal monthly installments out of the general fund of Cherokee County upon separate warrants drawn in the same manner as other employees of Cherokee County are paid."

Section 2. This Act shall become effective immediately upon its passage and approval of the Governor, or upon its otherwise becoming a law.

Approved August 26, 1965.

Time: 9:36 P. M.

Act No. 633

H. 1041—Burns, Owens, Nabors

AN ACT

Relating to counties having a population of not less than 96,000 nor more than 106,000 according to the most recent federal decennial census; to provide an expense allowance for the judge of probate of any such county.

Be It Enacted by the Legislature of Alabama:

Section 1. The judge of probate of any county having a population of not less than 96,000 nor more 106,000 according to the most recent federal decennial census shall be entitled to receive an allowance of One Hundred and Fifty (\$150.00) Dollars per month for expenses incurred in the performance of his official duties. Such allowance shall be in addition to any compensation provided by law, and shall be paid out of the general fund of the county at the end of each month.

Section 2. This Act is cumulative.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 26, 1965.

Time: 9:37 P. M.

Act No. 634

H. 1052—Rast, Meeks, Gilmore, Sessions,
Bowers, Brown (Jefferson),
Vacca, Morrow, Dominick,
Etheredge, Perry

AN ACT

TO AMEND SECTION 3.05 OF ACT NO. 452, H. 974, REGULAR SESSION OF THE LEGISLATURE OF ALABAMA OF 1955, APPROVED SEPTEMBER 9, 1955 (ACTS OF 1955, P. 1004), AS AMENDED, PROVIDING A MAYOR-COUNCIL FORM OF GOVERNMENT FOR CITIES HAVING A POPULATION OF 300,000 INHABITANTS OR MORE ACCORDING TO THE LAST OR ANY SUBSEQUENT FEDERAL CENSUS.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 3.05 of Act No. 452, H. 974, Regular Session of the Legislature of Alabama of 1955, approved September 9, 1955 (Acts of 1955, p. 1004), as amended, providing a Mayor-Council form of government for cities having a population of 300,000 inhabitants or more, according to the last or any subsequent Federal Census, be and said Section 3.05 is hereby amended to read as follows:

"3.05. Compensation—The Council shall receive such salary which shall be effective on such date as the Council may by resolution or ordinance prescribe; provided, however, such salary shall not exceed Forty-Eight Hundred Dollars (\$4,800) per annum. Such salary shall be payable in monthly installments at the end of each month, said installments to be paid at the same rate for any portion of the month during which each such Councilman shall hold office at the rate provided.

Such salary resolution or ordinance shall not be effective as to any councilman unless on the date it becomes effective it may constitutionally be applicable to all councilmen. During such period of time as no such salary resolution or ordinance is effective as to all councilmen, each councilman shall receive as compensation for his services as such the sum of Twenty Dollars (\$20.00) for each meeting of the Council attended; provided that the total of such compensation, except in the first year the Mayor-Council form of government is adopted by such city, shall not exceed Eighteen Hundred Dollars (\$1,800) per annum."

Section 2. This Act shall become effective upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved August 26, 1965.

Time: 9:38 P.M.

AN ACT

Relating to counties having populations of not less than 21,000 nor more than 21,850, according to the last or any succeeding federal decennial census, providing for a secretary-stenographer for the Courts of such counties, prescribing the means of appointment, the duties and compensation therefor.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in counties having populations of not less than 21,000, nor more than 21,850, according to the last or any subsequent federal decennial census.

Section 2. The Register of the Circuit Court in any such county shall appoint a qualified person to serve as secretary-stenographer to and for the Courts in such county, and shall, with the approval of the governing body of such county, fix the compensation therefor, which shall not exceed \$3,600.00 per annum. The governing body shall pay such compensation out of the general funds of the county in like manner as the other county employees are paid.

Section 3. Such secretary-stenographer shall serve at the pleasure of the Register, and shall perform stenographic, secretarial and clerical work as may be prescribed by the judges, clerks and Registers of the Courts.

Section 4. This Act shall become effective immediately upon its passage and approval, or upon its otherwise becoming a law.

Approved August 26, 1965.

Time: 9:39 P.M.

Act No. 636

H. 1078—Campbell (Tuscaloosa), Callahan,
Brown (Tuscaloosa)

AN ACT

To amend Section 5 of Act No. 56 of the regular session of the Legislature of Alabama of 1953, as amended by Act No. 290 of the regular session of the Legislature of Alabama of 1959, approved October 30, 1959, being an Act levying additional privilege or license taxes in Tuscaloosa County, by adding an additional penalty for failure to make reports as required therein.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 5 of Act No. 56 of the regular session of the Legislature of Alabama of 1953, approved June 3, 1953, as amended by Act No. 290 of the regular session of the Legislature of Alabama of 1959, approved October 30, 1959, being an Act levying additional privilege or license taxes in Tuscaloosa County,

is hereby amended by adding at the end of said Section 5 of said Act the following:

“(d) Any person subject to the provisions of this Act who shall fail to make the reports or statements or any of them, as required by paragraph (a) of this Section 5, shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$25.00 nor more than \$500.00 for each offense. Such failure shall constitute a separate offense for each month during which a report or statement is required to be made under this Act.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 26, 1965.

Time: 9:40 P. M.

Act No. 637

H. 1092—Owen (Baldwin)

AN ACT

Relating to Baldwin County: To regulate further the salaries of the deputies of the sheriff of such county.

Be It Enacted by the Legislature of Alabama:

Section 1. The chief deputy sheriff of Baldwin County shall receive an annual salary of not more than six thousand dollars; and each of the other deputies of the sheriff whose compensation is paid by the county shall receive an annual salary of not more than five thousand four hundred dollars. The exact amount of the salary of the chief deputy and of each other deputy shall be set by the county commissioners or other like governing body of the county. Such salaries shall be paid in equal monthly installments from such funds in the county treasury as the county governing body directs, as heretofore authorized by law.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 26, 1965.

Time: 9:41 P. M.

Act No. 638

H. 1094—Owen

AN ACT

Relating to counties having populations of not less than 48,500 nor more than 49,500, fixing the fee for issuance of a pistol permit by the sheriff, and providing for the disposition and use of such fees.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 48,500 nor more than 49,500, according to the most recent federal decennial census, the fee for issuance of a permit to carry a pistol in a vehicle or concealed on or about the person as provided in Code of Alabama, Title 14, Section 177, shall be five dollars, which shall be collected by the sheriff and deposited in the county treasury. Four-fifths of the amount of each fee collected shall be credited to a special fund or account in the county treasury and shall be used exclusively by the sheriff for emergency purposes, in such amounts as may be determined by a board composed of the sheriff of such county, a judge of the circuit court residing in such county, and the circuit solicitor of the circuit of which such county is a component; the remaining part of each fee collected shall be credited to the general funds of the county.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 26, 1965.

Time: 9:42 P. M.

Act No. 639

H. 1095—Owen

AN ACT

To provide for compensation of jurors in Baldwin County.

Be It Enacted by the Legislature of Alabama:

Section 1. Regular jurors, grand and petit, serving in Baldwin County are entitled to ten dollars for each day's services, five cents for each mile traveled in going to and returning from court, and ferriage and toll. However, only one such travel allowance shall be paid a grand juror for attending any one session of the grand jury and only one such travel allowance shall be paid a petit juror for attending court pursuant to one summons. His service and travel expenses shall be proved by the oath of the juror before the clerk of the court. The clerk shall give each juror a certificate which states therein the number of days he has served, the number of miles he has traveled, the

amount of ferriage and toll he has paid, and the amount of compensation to which he is entitled. The certificate shall be receivable in payment of county taxes, and other county dues, and payable out of the county treasury.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 26, 1965.

Time: 9:43 P. M.

Act No. 640

S. 119—Clark

AN ACT

To amend Section 13 of Act No. 252 of the 1955 Regular Session of the Legislature of Alabama, Approved August 18, 1955.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 13 of Act No. 252 of the 1955 Regular Session of the Legislature of Alabama, approved August 18, 1955, and entitled "An Act to Amend Further Act No. 96, H. 102, approved June 15, 1945 (General Acts of Alabama, 1945, page 92) which relates to schools of nursing and the examination, regulations and registration of nurses" be amended so as to read as follows:

"Section 13. An accredited School of Nursing, within the meaning of this Act is hereby defined as a part of a university, a college, a hospital or hospitals giving such minimum courses of instruction and experience and which has been approved by the Board for the education of nurses. All theoretical and clinical affiliations of accredited schools of nursing shall be such as shall be approved by the Board. The set minimum written rules, regulations and standards of the Board for accredited schools of nursing, courses of study and the faculties thereof, shall not become effective until one year after notice of such change has been mailed by the Secretary of the Board to each school then on the accredited list of the Board. Any institution meeting these minimum requirements shall be permitted to operate an accredited school of nursing. No candidate for registration as a registered nurse, shall be admitted to take the state board examinations, nor licensed as a registered nurse, who has not

been graduated from a school of nursing which complies with such rules and standards."

Section 2. That all laws or parts of laws in conflict herewith are hereby expressly repealed.

Approved August 26, 1965.

Time: 9:45 P.M.

Act No. 641

S. 543—Bentley

AN ACT

To apply in counties having populations of not less than 25,400 nor more than 25,675, fixing the compensation of the clerk of the register and providing for payment thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 25,400 nor more than 25,675, according to the most recent federal decennial census, the clerk of the register in chancery shall be entitled to a salary of \$150 per month, which shall be paid from the general funds of the county as the salaries of other county employees are paid.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 26, 1965.

Time: 9:46 P.M.

Act No. 642

S. 581—Tyson

AN ACT

For the relief of MRS. EMMA J. BRAY authorizing the County Commission of Mobile County to make an appropriation of County funds to compensate for personal injuries received by MRS. BRAY on the Courthouse premises.

Be It Enacted by the Legislature of Alabama:

Section 1. The County Commission of Mobile County is authorized to appropriate from the general funds of the County the sum of Two Thousand and No/100 (\$2,000) Dollars to MRS. EMMA J. BRAY, a citizen of Mobile County, to compensate her for injuries received by her on April 6, 1964, when she slipped and fell on the steps of the Mobile County Courthouse under

circumstances in which the County should, though not legally required to do so, pay her damages resulting from this injury.

Section 2: This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 26, 1965.

Time: 9:47 P.M.

Act No. 643

S. 590—Metcalf

AN ACT

Relating to Geneva County; fixing the compensation and providing an expense allowance for members of the county governing body.

Be It Enacted by the Legislature of Alabama:

Section 1. Each member of the court of county commissioners, board of revenue, or like governing body of Geneva County, except the two thousand four hundred dollars (\$2,400.00) per annum, payable in equal monthly installments out of the county treasury. In addition, members of the governing body other than the chairman or other presiding officer shall receive an allowance of one hundred fifty dollars (\$150.00) per month, payable out of the county treasury, as reimbursement for expenses incurred by them in the performance of their duties as members of the county governing body. The compensation provided by law; and shall be payable out of any money in the county treasury which has been designated and set apart therefor by the court of county commissioners, board of revenue or other governing body, in its discretion, may provide for the payment of a part or portion of the salaries and expense allowances to the members out of the County gasoline tax revenue, provided that the part or portion of each commissioner's salary, which is paid out of the county, gasoline tax revenue, bears the same ratio to such member's total salary that the part or portion of the time spent by such member in the discharge of his duties in inspecting, accepting, building, repairing or supervising any of the county roads or bridges bears to the full time devoted by such members to the discharge of the duties of his office, and the part or portion of the expense allowance of each member which is paid out of the county gasoline tax revenue bears the same ratio to the total expense allowance paid each member that the expenses incurred by such member in connection with the discharge of his duties in inspecting, accepting, building, repairing or supervising any of the county roads or bridges bears to the total expense allowance paid to such member.

Provided, further, that such use of gasoline tax revenues shall be in accordance with and subject to all provisions of Title 51, Section 655, Code of Alabama 1940, as amended. The Chairman or other presiding officer of the court of county commissioners, board of revenue, or like governing body of Geneva County shall continue to receive the same compensation as the chairman or other presiding officer of county governing bodies under the general law.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 26, 1965.

Time: 9:48 P. M.

Act No. 644

S. 592—Robison (Pickens)

AN ACT

To alter, rearrange and extend the boundaries and corporate limits of the town of Ethelsville in Pickens County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the town of Ethelsville, Pickens County, are hereby altered, rearranged, and extended so as to incorporate within the town of Ethelsville the following described territory lying and being in Pickens County, to-wit:

Begin at the Northeast corner of the Northeast Quarter (NE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section 16, Township 19 South, Range 16 West, and run thence East along the Section line one-fourth mile, more or less, to the Northeast corner of the Northwest Quarter (NW $\frac{1}{4}$) of Northeast Quarter (NE $\frac{1}{4}$) of said Section 16, thence run South along the quarter of quarter section line one-half mile, more or less, to the Southeast corner of the Southwest Quarter (SW $\frac{1}{4}$) of Northeast Quarter (NE $\frac{1}{4}$) of said Section 16, thence West along the half section line, one-half mile, more or less, to the Southwest corner of the Southeast Quarter (SE $\frac{1}{4}$) of Northwest Quarter (NW $\frac{1}{4}$) of said Section 16, thence North along the quarter of quarter section line one-fourth mile, more or less, to the Northwest corner of said Southeast Quarter (SE $\frac{1}{4}$) of Northwest Quarter (NW $\frac{1}{4}$) of said Section 16, thence East along the quarter of quarter section line one-fourth mile more or less to the Northeast corner of said Southeast Quarter (SE $\frac{1}{4}$) of Northwest Quarter (NW $\frac{1}{4}$) of said section 16, thence North along the quarter of quarter section line one-fourth mile, more or less, to the point of beginning, containing 120 acres, more or less.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 26, 1965.

Time: 9:50 P. M.

Act No. 645

S. 593—Oden

AN ACT

Relating to the construction, maintenance and repair of the county roads and bridges of Colbert County; providing that such roads and bridges shall be constructed, maintained and repaired by the State Highway Department and relieving the county, and officials thereof, of certain duties in regard thereto; providing for the transfer by the county and its officials to the State Highway Department of all funds, including Colbert County's proportionate share of the state gasoline tax, state motor vehicle license tax allocated to the county, supplies, equipment, machinery and materials for the construction, maintenance and repair of county roads and bridges; repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The State Highway Department shall, subject to the provisions and limitations contained in this Act, be responsible for the construction, maintenance and repair of the county roads and bridges in Colbert County.

Section 2. The county governing body of Colbert County shall have and exercise only the powers and functions relative to the construction, maintenance and repair of the county roads and bridges as are conferred upon it by this Act, as follows:

a) To levy road and bridge taxes and to appropriate money for the construction, maintenance and repair of county roads and bridges in the same manner and to the same extent as it may presently do so under the laws of the State;

b) To borrow money and issue bonds or other evidence of indebtedness, subject to the approval of the State Highway Department, for the purpose of constructing, maintaining and repairing county roads and bridges to the same extent as it may presently do so under the laws of the State;

c) To determine, subject to the approval of the State Highway Department, the location of new roads and bridges within the county which may be established as an addition to the presently existing county road system of Colbert County;

d) To exercise, subject to the approval of the State Highway Department, the right of eminent domain for the purpose of acquiring right of way for the establishment and

changing county roads and bridges in the manner presently provided by law.

Section 3. The governing body of Colbert County shall have no authority:

a) To employ or discharge or regulate or control in any manner personnel for the construction, maintenance or repair of county roads and bridges;

b) To contract for or purchase any services, supplies, equipment, machinery or materials used in the construction, maintenance or repair of county roads and bridges;

c) To pay or order payment to any person, firm or corporation for services rendered or supplies, equipment, machinery or materials provided in the construction, maintenance or repair of county roads or bridges.

Section 4. Upon the effective date of this Act the governing body of Colbert County and all officials of the county shall transfer and turn over to the State Highway Department all funds, supplies, equipment, machinery and materials held, owned, leased or controlled by it or them for the construction, maintenance and repair of county roads and bridges. Thereafter on or before the tenth day of each month, the county treasurer, the county governing body and all other county officials of Colbert County shall pay over to the State Highway Department all funds collected or received as taxes, including the motor vehicle license tax allocated to the county, or otherwise by them from any source whatsoever during the preceding month which are designated or to be used for the purpose of constructing, maintaining or repairing county roads or bridges. Such funds shall be maintained separately by the State Highway Department and shall be used by it solely for the purpose of construction, maintenance and repair of county roads and bridges in Colbert County subject to the provisions of this Act.

Section 5. All persons employed by Colbert County in the construction, maintenance and repair of county roads and bridges as of the effective date of this Act, whose compensation is paid entirely by the county shall continue to be employed by the State Highway Department in the county and be brought under and be covered by the State Merit System Law without examination at no less than their salary on that date, and they shall not be discharged nor their salary decreased or increased except in accordance with the regulations of the State Merit System Law. All other persons employed by the Highway Department in connection with the administration of this Act shall be subject to the State Merit System Law.

Section 6. After the effective date of this Act, the State Highway Department shall pay all of the outstanding financial obligations of Colbert County which were incurred prior to the adoption of this Act, for the construction, maintenance or repair of county roads and bridges out of the funds to be paid over to the Highway Department under the provisions of Section 4 of this Act. Nothing contained in this Act, however, shall be construed to relieve Colbert County of the liability for paying any of its financial obligations now existing or hereafter incurred under the provisions of Section 2 (b) hereof in the event the funds paid over to the State Highway Department are insufficient to do so, or to require any of the financial obligations presently existing or hereafter incurred under the provisions of Section 2 (b) hereof of the county to be paid from funds of the Highway Department.

Section 7. The State Highway Department shall construct, maintain and repair the county roads and bridges of Colbert County from the funds paid over to it pursuant to Section 4 of this Act, and from funds which would otherwise accrue to Colbert County for road and bridge work from any source whatsoever. The State Highway Department shall retain, and the appropriate state official is authorized to pay over to it, any funds or amounts to which Colbert County shall be entitled to from the proceeds of the state gasoline tax, the motor vehicle license tax allocated to the county, or any other state tax, and such sums and amounts shall be used in addition to the sums and amounts turned over to the State Highway Department under the provisions of Section 4 of this Act for the construction, maintenance and repair of county roads and bridges in said county. The gasoline tax money, and the proceeds of any other tax to which Colbert County is entitled, received by the State Highway Department for road work in Colbert County shall be kept in the separate account referred to in Section 4 of this Act.

Section 8. Any contract for the construction, maintenance and repair of county roads and bridges entered into by Colbert County prior to the adoption of this Act, shall remain in full force and effect until the terms thereof have been complied with.

Section 9. At the time the governing body of the county transfers to the department county-owned road equipment, machinery, and supplies, under the provisions of this Act, an inventory thereof shall be made, a copy to be kept on file by the county and by the department, and in the event this Act is repealed or becomes inoperative, the department shall return to the county road equipment, machinery, and supplies of like kind and equal value.

Section 10. All laws or parts of laws in conflict with this Act are hereby repealed.

Section 11. The provisions of this Act are hereby declared to be severable in nature and should any section or other portion thereof be declared unconstitutional or invalid such adjudication shall not affect the portion, or portions, of said Act remaining.

Section 12. This Act shall be inoperative and void unless it shall have been approved by a majority of the qualified electors of Colbert County who vote thereon at a referendum election held for such purpose. The election shall be held and conducted as nearly as may be in the same way as elections on amendments to the Constitution, and shall be held on the first election day in the county next following final passage of this Act. Notice of the election shall be given by the judge of probate of Colbert County, which notice shall be published once a week for three successive weeks before the day of the election. On the ballots to be used at the election, the proposition to be voted on shall be stated substantially as follows: "Do you favor the local law authorizing the State Highway Department to assume responsibility for the construction, repair, and maintenance of county roads and bridges? Yes () or No ()." If a majority of the votes cast at the election are affirmative votes, this Act shall be in full force and effect from the first day of the second month next following the date of the election; if a majority of the votes cast are in the negative, the Act shall have no further effect. The judge of probate of Colbert County shall certify the results of the election to the Secretary of State and to the State Highway Director within 30 days after the returns have been canvassed.

Approved August 26, 1965.

Time: 9:51 P. M.

Act No. 646

S. 599—Metcalf

AN ACT

Relating to counties having a population of not less than 22,000 nor more than 22,350 according to the most recent federal decennial census; to authorize the county governing body in any such county to appropriate and use certain county funds and to designate and use certain county property, buildings, and facilities in order to qualify for and receive federal assistance under the federal Economic Opportunity Act of 1964.

Be It Enacted by the Legislature of Alabama:

Section 1. The court of county commissioners, board of revenue, or other like governing body in any county of the state having a population of not less than 22,000 nor more

than 22,350 according to the most recent federal decennial census shall have authority to appropriate and use such sums from the general funds of the county not otherwise appropriated, and to designate and use such county property, buildings, and facilities, as may be necessary to enable the county to participate in programs and receive benefits and funds provided for and made available by and from the federal government under Public Law 88-452, known as the Economic Opportunity Act of 1964, as approved by Congress on August 20, 1964, when such county governing body, in its discretion, considers such action to be in the best interests of the county. Provided, however, that such sums and such property, buildings, and facilities shall not be appropriated, designated, or used in any manner which conflicts with the Constitution or statutes of the State of Alabama.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 26, 1965.

Time: 9:55 P. M.

Act No. 647

S. 600—Adams

AN ACT

To amend Act No. 379, H. 866 of the Regular Session of 1963, which relates to counties having populations of not less than 50,000 nor more than 54,000 and provides further for designation and alteration of election precincts and districts, voting places and voting centers therein and the conduct of elections: amending the Title and Sections 1, 2, 3, 4, and 9 of such act.

Be It Enacted by the Legislature of Alabama:

Section 1. The Title and Sections 1, 2, 3, 4 and 9 of Act No. 379, H. 866, of the Regular Session of 1963 (Acts of 1963, p. 879) are amended to read as follows:

“An Act Relating to counties having populations of not less than 50,000 nor more than 54,000; to provide that the election precincts of the county as now established shall so remain until changed and the governing body of the county shall have exclusive power to establish, change, consolidate or alter election precincts in such county; to provide that the governing body of the county shall regulate and provide for the use of voting machines at all elections, special, general or primary except municipal elections held within the county, a political subdivision thereof or any municipality therein, and the governing bodies of the several municipalities in the county shall regulate and provide for the use of voting

machines at all municipal elections in their respective cities or towns, and in so doing the governing body of the county may, in the manner herein prescribed, divide any voting precinct of the county into districts, designate in each district a voting center at which the qualified electors of the district so designated may vote and the governing body of a municipality in the manner herein prescribed may divide the city or town into wards or voting districts, designate in each district a voting center at which the qualified electors of the district so designated may vote in municipal elections; to provide the time of changing boundary lines; to prescribe the number of voting machines to be maintained at each voting center; to provide for the use of paper ballots in voting centers where voting machines are not provided; to provide election officers for each voting center; to prescribe the duties of such election officers and fix their compensation; to prescribe the duties of the judge of probate in such elections; to provide for the manner of payment of such election officials; to prescribe the duties of the custodian of voting machines and the executive assistant or chief clerk of the sheriff in such elections.

"Section 1. This act shall apply only in counties of the State of Alabama having populations of not less than 50,000 nor more than 54,000 according to the last or any subsequent federal decennial census. Unless a contrary intent appears from the context, as used herein, the word 'election' shall mean any general, special or primary election held in the county, including a district, county, state or federal election but not a municipal election; and the words 'voting center' shall mean any place in the county which the county governing body designates as a voting place or in case of a municipal election any place in the corporate limits of a municipality which the municipal governing body designates as a voting place; the words 'governing body' of such county shall mean the court of county commissioners, board of revenue, county commission, or other like county governing body; the words 'municipal governing body' shall mean the mayor and council, the city commission or other like municipal governing body of a city or town within the county.

"Section 2. The election precincts of the county as now established shall so remain until changed and the governing body of the county shall have exclusive power to establish, change, consolidate or alter election precincts in such county. (a) Subject to the provisions of sub-section (b) of this section, when the use of voting machines at election has been, or shall hereafter be authorized, the governing body of the county shall have the authority to designate a voting center or voting centers in the county, for all elections except municipal elections, for which the municipal governing bodies of the respective

cities and towns in the county may designate a voting center or centers within their respective corporate limits. Such designation shall be made by a resolution adopted by the governing body, which resolution shall state: (1) the location of the voting center, and (2) the boundaries of the district in which electors shall reside to be entitled to vote at said voting center. The limitations prescribed by law as to the number of electors who may reside in a voting district shall not apply to a district designated hereunder. All of the district designated for a voting center shall be located in the same precinct; and the voting center designated therefor shall be located in the district. The governing body of the county may by resolution abolish a voting district and discontinue the voting center therein or may extend or restrict the boundaries of such voting district and retain the voting center therein, or may subdivide such voting district and designate an additional voting center therein, provided that no voting district line be changed 40 days prior to an election in said district. However, no such action by the county governing body shall apply to voting districts or voting centers for municipal elections; and the municipal governing bodies of the several cities and towns in the county shall possess the same powers and be subject to the limitations relative to the designation of voting districts and voting centers and the alteration of district boundaries and the change or discontinuance of voting centers for the purposes of municipal elections that are hereinabove vested in the county governing body for all other elections.

“(b) Except as herein expressly provided, in designating voting centers and the district for which they were established, the governing bodies of the county and of the municipalities therein shall be subject to the same laws as are applicable regarding the change or establishment of the districts of a precinct, including but not limited to the provisions of Article 6, Chapter 1, Title 17, Code of Alabama 1940.

“Section 3. The voting list of any district which is furnished the election officers serving at the voting centers designated for such district shall contain the names of all qualified electors of the district on a single roll. Except as herein otherwise provided, the laws applicable to the preparation, distribution, publication, and checking of poll lists shall apply to the poll list of a district for which a voting center has been established by the governing body of the county or of a municipality therein pursuant to authority hereby conferred.

“No elector shall vote at any voting center other than the voting center of the district of which he is a qualified elector, but any elector eligible to vote at a voting center may vote at such voting center, upon presentation of the

identification card issued to him by an election officer serving at such voting center.

"Section 4. For all municipal elections the municipal governing body and for all other elections the county governing body shall have the authority to determine at what voting centers voting machines shall be used and at what voting centers paper ballots shall be used, provided paper ballots shall not be used in voting centers when the roll contains more than 300 names on the poll list.

"The number of voters for each voting machine in any municipal election shall be determined by the municipal governing body, and the number of voters for each voting machine in all other elections shall be determined by the county governing body.

"Paper ballots shall not be used in any voting center where voting machines are installed, except as provided for under Section 110 of Title 17 of the 1940 Code of Alabama and for casting a challenged vote as authorized by law.

"Section 9. The provisions of this Act are cumulative and remedial, and shall in no respect be construed as a repeal of any existing legislation except in case of direct conflict with the provisions of this act. It is further specifically provided that this act shall not be construed to vest in the county governing body any power or authority to designate or alter voting districts or voting centers for municipal elections nor to require any county officer to perform any duty relative to a municipal election which under the general law is performed by a municipal officer; and whenever by the terms of this act a duty is required of a county officer or a county governing body as to municipal elections such duty shall be performed by the appropriate municipal official or by the municipal governing body, as the case may be."

Approved August 26, 1965.

Time: 9:56 P. M.

Act No. 648

H. 1025—Campbell (Tuscaloosa), Callahan,
Brown (Tuscaloosa)

AN ACT

Relating to the office of commissioner of licenses in counties having populations of not less than 100,000, nor more than 115,000; amending Act No. 930, S. 1380, Regular Session 1961, so as to require the filing of transfer of ownership of motor vehicles; prescribing penalties for violations.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 14 of Act No. 930, S. 1380, Regular Session 1961 (Acts 1961, p. 1490) is amended to read as follows:

"Section 14. (a) To prevent motor vehicles from escaping taxation and to provide for the more efficient assessment and collection of taxes due on same, no license shall be issued to operate a motor vehicle on the public highways of this state, nor shall any transfer be made by the commissioner of licenses as provided under this Act, until the ad valorem tax on such vehicle shall have been paid in the county for the preceding year, as evidenced by a receipt of the commissioner of licenses, if said motor vehicle belongs to a resident of such county or is principally used or operated in such county. Every person, firm or corporation residing in or owning a motor vehicle which is principally used in such county who desires to operate a motor vehicle on the public highways of Alabama shall first return such motor vehicle for ad valorem taxation to the commissioner of licenses of such county, for the preceding tax year, and the commissioner of licenses of such county shall deliver to such person who makes the return as herein required, a certificate of assessment on a form prescribed by the department of revenue, and such certificate shall be the warrant of the commissioner of licenses to collect the tax as shown thereon. Motor vehicles within the meaning of this Act shall not be included in any assessment made to the tax assessor by any person, firm or corporation, and such motor vehicles shall not be considered as escaped property by reason of failure to include same in any tax return, but shall be assessed as herein provided. The commissioner of licenses upon issuing a license for the operator of motor vehicles as herein provided shall make a duplicate of the tax receipt and keep same on file in his office. The license tag shall be evidence of the payment of the license and ad valorem tax due as provided under this Act. Valuation for ad valorem assessment shall be sixty per cent of the fair and reasonable value of same. A motor vehicle brought into the state during any tax year shall be subject to taxation the same as if it had been held or owned in the state on the first day of October. Every motor vehicle shall be presumed to have been in Alabama during the taxable year and taxes thereon shall be assessed unless the person, firm or corporation applying for exemption from ad valorem taxation furnish the commissioner of licenses with a certificate showing that such vehicle was registered in another state after the preceding October, such certificate to be signed by the proper official of such state and also an affidavit signed by the person, or in the case of a firm, association, or corporation its authorized

agent, claiming the exemption, stating the exact date the car came into Alabama; provided, however, that where application is made for exemption from taxation on a new motor vehicle for which there has never been a tag purchased, a bona fide bill of sale showing the date of purchase shall be sufficient proof for exemption by the commissioner of licenses provided the date of purchase, the name and address of the dealer and the invoice number is shown on the assessment sheet. The state department of revenue shall furnish the commissioner of licenses with blank certificates for claiming exemptions authorized in this section. The commissioner of licenses is authorized to issue a motor vehicle license for any vehicle for which an exemption from taxation has been claimed as authorized above, and for any vehicle which is not subject to taxation. The commissioner of licenses, in addition to assessing and collecting the ad valorem taxes due the state and county on motor vehicles, shall collect the ad valorem taxes on motor vehicles due all cities and towns located in the county. The commissioner of licenses shall report and pay over the money collected for said cities and towns at the same time and in the same manner as state and county taxes are reported and paid over by him. The commissioner of licenses shall receive a commission of two and one-half per cent for assessing and a commission of two and one-half per cent for collecting city and town ad valorem taxes and shall deduct said commissions from the amount collected before paying the same over to the city or town and he shall pay said commissions into the county treasury, and said commissions so collected and paid into the county treasury shall be the property of the county. The commissioner of licenses shall not issue a license to operate a motor vehicle on the highways of this state until all ad valorem taxes due the state, such county, and any city or town in such county are paid for the preceding year. Nothing herein shall be construed as affecting the assessment of the stock of goods, wares and merchandise of motor vehicle dealers, or the inclusion of motor vehicles or capital invested therein in making such assessments; nor shall the provisions hereof be construed as imposing an ad valorem tax upon a motor vehicle for the tax year in which application for such motor vehicle license is made, unless such motor vehicle was subject to such assessment, otherwise than as constituting a part of the stock of goods, wares and merchandise of a dealer.

“(b) Any person who acquires a motor vehicle shall file a transfer of ownership with the commissioner of licenses by filing a copy of the bill of sale, or copy of the court order or memorandum of sale when a motor vehicle is acquired under legal proceedings or is repossessed, within 30 days from the date upon which the motor vehicle was acquired or repossessed. Provided, it shall be the duty of the person who acquires a

motor vehicle to make application to the commissioner of licenses on forms provided by the commissioner of licenses for transfer of ownership. Any person who fails to file such copy of transfer of ownership within 30 days shall be penalized the sum of one dollar and fifty cents which sum shall be charged and paid to the commissioner of licenses when the change of ownership is reported or when the court order or memorandum of sale is filed. Where such application form is not completed prior to the time the applicant submits it to the commissioner of licenses, it must then be completed or filled out completely by the commissioner of licenses who shall charge an additional fee of twenty-five cents for such services."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 26, 1965.

Time: 10:15 P. M.

Act No. 649

S. 500—Metcalf

AN ACT

Relating to Geneva County: To provide further for the distribution of fines and forfeitures in certain cases.

Be It Enacted by the Legislature of Alabama:

Section 1. One-half of all fines and forfeitures hereafter paid by persons convicted in courts of competent jurisdiction within Geneva County of violations of the rules of the road, or the laws of this State relating to or regulating traffic or the operation of motor vehicles upon the highways of this State, shall be paid into the fine and forfeiture fund of Geneva County, and the remainder shall be remitted by the proper authority to the State Treasurer, who shall credit the same to the proper fund in the State Treasury.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law on August 27, 1965 under Sec. 125 of the Constitution without approval by the Governor.

Act No. 650

H. 1044—Faulk

AN ACT

Relating to Geneva County: To provide further for the distribution of fines and forfeitures in certain cases.

Be It Enacted by the Legislature of Alabama:

Section 1. One-half of all fines and forfeitures hereafter paid by persons convicted in courts of competent jurisdiction within Geneva County of violations of the rules of the road, or the laws of this State relating to or regulating traffic or the operation of motor vehicles upon the highways of this State, shall be paid into the fine and forfeiture fund of Geneva County, and the remainder shall be remitted by the proper authority to the State Treasurer, who shall credit the same to the proper fund in the State Treasury.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law on August 27, 1965 under Sec. 125 of the Constitution without approval by the Governor.

Act No. 651

H. 915—Turner (Crenshaw)

AN ACT

To amend Sections 10(10), 10(11), 10(13), Title 45, Chapter 1B, Code of Alabama.

Be It Enacted by the Legislature of Alabama:

Sections are hereby amended to read as follows:

Section 10(10). On and after the effective date of this act, all departments, institutions, agencies of this State which are supported in whole or in part by the State, may purchase from the Board of Corrections such articles as may be produced or manufactured by the Board of Corrections by convicts confined within the institutions or elsewhere employed within this State. All articles purchased under the provisions of this act shall be excluded from the operation of any competitive bid statute or law previously or subsequently enacted by this Legislature.

Section 10(11). Exceptions from the operation of the mandatory provisions of this section may be made in any case where, in the opinion of the Governor, Finance Director, Commissioner of the Board of Corrections, or a majority of

them who are hereby constituted a board for such purpose, the articles so produced or manufactured do not meet the reasonable requirements of such departments, institutions or agencies of the state.

Section 10(13). Annual catalogues;—The department of corrections and institutions shall cause to be prepared annually at such times as it may determine, catalogues containing the description of all articles and supplies manufactured and produced by it pursuant to the provisions of this chapter, copies of which catalogues shall be sent by it to all departments, institutions, agencies and political subdivisions of the state referred to in preceding Sections. The Governor, the Finance Director and the Board of Corrections or their designated representative, will constitute a board for the purpose of determining a fair market price for the articles produced by the Department of Corrections and Institutions. The annual catalogue will show these prices and will only be changed upon the consent of the above mentioned Board or a majority thereof.

Section 10(14). All laws or parts of laws, including specifically competitive bid laws in conflict with the provisions of this act, are hereby repealed insofar as the same conflict with the provisions contained herein.

Approved August 30, 1965.

Time: 5:16 P. M.

Act No. 652

H. 916—Turner (Crenshaw)

AN ACT

To amend Section 31 of Title 23, Code of Alabama 1940.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 31 of Title 23, Code of Alabama 1940, is hereby amended to read as follows:

“Section 31. The highway department may work convicts in the construction or maintenance of public roads and bridges of Alabama, as may now or may hereafter be provided by law, or may work convicts in the construction, repairing, or maintaining public roads or bridges by contract or agreement with the department of corrections and institutions, as to the number of convicts required to do such work. Provided, that the charge for labor of such convicts, shall be in accordance with the terms of the contract which shall be negotiated by and between the Director of the State Highway Department and the Board of Corrections, with the approval of the Governor, and no other expense incurred by the use of such convicts

shall be chargeable to the highway department, except such necessary tools and implements used in the construction, repairing or maintaining of the public roads and bridges upon which the convicts are employed."

Section 2. This Act shall become effective October 1, 1965.

Approved August 30, 1965.

Time: 5:18 P. M.

Act No. 653

H. 917—Turner (Crenshaw)

AN ACT

To amend Act No. 202 of the 1953 Regular Session of the Legislature of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 5 of Act No. 202 of the 1953 Regular Session is hereby amended to read as follows:

"Section 5. The Board shall appoint a Commissioner of Corrections who shall serve at the pleasure of the Board and shall be responsible to it. He shall be the chief administrative officer of the Board and the Board may delegate any of its administrative powers and authority to him. The Commissioner of Corrections shall be a man of good character, of good business experience and experience in the administration of correctional system. He shall have no financial interest in any partnership, corporation, or association with which the Board has any financial dealings. The Commissioner of Corrections, with the approval of the Board, shall have the authority to appoint Deputy Commissioners, not to exceed two, and to define their duties. Their salaries shall each be an annual amount fixed at \$1,500 less than the salary of the Commissioner of Corrections."

Section 2. All laws or parts of laws in conflict with this Act are hereby repealed.

Section 3. This Act shall become effective October 1, 1965.

Approved August 30, 1965.

Time: 5:17 P. M.

Act No. 654

H. 874—Slate, Moore

AN ACT

To levy an additional privilege and license tax on the sale, storage, use, consumption, or delivery of cigarettes within this state; providing

for the collection and enforcement of such taxes; and providing for the use of the proceeds.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) In addition to all other taxes of every kind now imposed by law, every person, firm, corporation, club, or association within the State of Alabama who sells, or stores, or receives for the purpose of distribution to any person, firm, corporation, club, or association within the State of Alabama any cigarettes shall collect and pay over to the State of Alabama a license or privilege or excise tax at the rates hereinafter set forth upon the selling, use, consumption, distribution, storing or withdrawal from storage in this state of cigarettes for any use. Provided, that where the tax as hereinafter set forth shall have been paid to the state by any such person, firm, corporation, club, or association, such payments shall be sufficient, the intent being that the tax shall be paid to the state but once. The tax hereby levied shall be at the following rates:

On each package of cigarettes containing twenty cigarettes or less, one cent; on each package of cigarettes containing more than twenty but not exceeding forty cigarettes, two cents; and on each package of cigarettes containing more than forty cigarettes, three cents.

(b) Every such person, firm, corporation, club, or association shall add the amount of the tax levied and assessed herein to the sales price of the cigarettes, it being the purpose and intent of this provision that the tax levied is in fact a levy on the consumer or user with such person, firm, corporation, club, or association acting merely as an agent of the state for the collection and payment of the tax to the state. For the convenience of collection, such person, firm, corporation, club, or association shall be required to purchase tax stamps from the State of Alabama, and affix the same to the packages at the rates set out hereinabove and in the manner provided by Section 2.

(c) When the retail or selling price is referred to herein as the basis for computing the amount of stamps required on any article, it is intended to mean the retail or selling price of the articles before adding the amount of the tax.

Section 2. The taxes herein levied shall be paid through the use of stamps, and shall be paid to and collected by the State Department of Revenue at the same time and in the same manner as provided for the payment and collection of the taxes on tobacco and tobacco products levied by Section 718 through Section 743, Title 51, Code of Alabama (1940), or any laws amendatory thereof or supplemental thereto, and all

the exemptions, definitions, proceedings, rules, regulations, requirements, provisions, penalties, fines, punishments, and deductions set out in Section 718 through Section 743, Title 51, Code of Alabama (1940), or any laws amendatory thereof or supplemental thereto, including all the provisions for the enforcement and collection of the tax levied by Section 718, Title 51, Code of Alabama (1940), as amended, shall except as otherwise provided herein, apply to the payment and collection of the tax levied by this Act. It is provided, however, that the State Department of Revenue shall furnish, for affixing to the boxes, packages, or containers of the cigarettes as enumerated in this Act single stamps of the requisite denominations to represent the payment of the tax levied hereby as well as the tax levied by Section 718, Title 51, Code of Alabama (1940), as amended.

Section 3. All revenues collected under the provisions of this Act shall be paid into the State Treasury and shall be set apart and used for the following purposes only and in the following order:

(a) So much thereof as may be necessary for such purpose is hereby appropriated and shall be used by the State Treasurer to pay at their respective maturities the principal and interest that will mature during the then current fiscal year on all bonds that may be issued by the State Industrial Development Authority under the provisions of an Act adopted at the 1965 Regular Session of the Legislature of Alabama pursuant to which the said Authority may be organized; and

(b) The balance thereafter remaining during each fiscal year shall be paid into a special fund in the State Treasury, to be designated the "General and Mental Health Fund," and is hereby appropriated and shall be distributed as follows: (1) sixty percent (60%) of said balance shall be expended by the State Health Officer, with the approval of the State Board of Health, for salaries, other expenses, and equipment purchases incident to general health work; (2) thirty percent (30%) of said balance shall be paid to the Board of Trustees of the Alabama State Hospitals, to be expended by the said board for such purposes as the board may designate; and (3) ten percent (10%) of said balance shall be paid to the Board of Managers of the Partlow State School to be expended by the said board for such purposes as the board may designate.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This Act shall become effective October 1, 1965.

Approved August 30, 1965.

Time: 5:15 P. M.

Act No. 655

H.J.R. 197—Goodywn

HOUSE JOINT RESOLUTION

WHEREAS the Senate Foreign Relations Committee has unexpectedly reported out the SOVIET CONSULAR TREATY, urging favorable and immediate ratification by the Senate, after holding it for a year, and

WHEREAS this treaty would permit the establishment of Soviet Consules throughout the United States, and

WHEREAS no public hearings were held on the Soviet Consular Treaty, and

WHEREAS passed record has shown soviet consular establishments have been used for subversive activities throughout the world, and

WHEREAS J. Edgar Hoover has testified in the House Appropriations Committee hearings in March, 1965, "ONE SOVIET INTELLIGENCE OFFICER IN COMMENTING ON THE AGREEMENT SPOKE OF THE WONDERFUL OPPORTUNITY THIS PRESENTED HIS SERVICE AND THAT IT WOULD ENABLE THE SOVIETS TO ENHANCE THEIR INTELLIGENCE OPERATIONS",

NOW THEREFORE BE IT RESOLVED that this legislature, convened in regular session, this 26th day of August, 1965, goes on record in vehement opposition to the ratification the SOVIET CONSULAR TREATY by the U. S. Senate.

THEREFORE BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the state legislatures of the respective states, U. S. Senators, and all news services.

Approved August 31, 1965.

Time: 9:55 A. M.

Act No. 656

S. 121—Lolley, Horton, Hawkins, Allen,
Evans, Montgomery, James,
Givhan, Wilson, Brannan,
Adams, Bentley, Carter,
Hornsby, Eddins

AN ACT

To amend further Sections 110 and 114, Title 22, Code of Alabama 1940, which relate to protection of the public against rabies.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 110 of Title 22, Code of Alabama 1940, as amended, is amended further to read as follows:

"Section 110. It is hereby provided that the rabies inspector authorized to inoculate dogs against rabies may charge for such services a sum for his own use, not to exceed \$2.00, including the cost of the vaccine, for each dog inoculated against rabies. However, \$3.00, including the cost of the vaccine, may be charged after September first of each year for each dog vaccinated if the dog should have been inoculated, but was not, prior to September first. For those dogs that become three months of age during September, October, November, and December the inspector and his deputies may charge \$2.00. If such inspector is on a full salary basis, the salary paid by the county or municipality, one or both, shall constitute his total compensation. In such a case, the vaccine and other necessary supplies shall be provided by the county or municipality, one or both, and the fees set forth herein shall be collected by the rabies inspector for the employing agency or agencies. The rabies inspector shall keep a record of all dogs inoculated on forms furnished by the state board of health."

Section 2. Section 114 of Title 22, Code of Alabama 1940, as amended, is amended further to read as follows:

"Section 114. Whenever the county health officer, the county quarantine officer, or rabies inspector shall receive information that any person has been bitten by a dog, the said county health officer, county quarantine officer or rabies inspector shall be required to have the said dog confined under the direct care, custody, control and supervision of a licensed veterinarian for a period of ten (10) days. And it shall be unlawful for any person having knowledge that any person has been bitten by any such dog to refuse to notify promptly one or more of the officers mentioned in this section. It shall be unlawful for the owner of any such dog to refuse to or fail to comply with the written recommendations made by the county health officer or county quarantine officer or rabies inspector in any particular case. Any expenses incurred in the handling of any dog under this and the preceding section shall be borne by the owner. The veterinarian under whose care a dog has been committed shall report the results of his observation of said dog to the attending physician of the person bitten."

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 26, 1965.

Time: 8:30 P. M.

Act No. 657

S. 242—Robison (Montgomery)

AN ACT

To amend Title 13, Section 255, Code of Alabama 1940, as amended, pertaining to the appointment of deputy circuit solicitors for the Fifteenth Judicial Circuit and their salaries.

Be It Enacted by the Legislature of Alabama:

Section 1. There may be appointed by the circuit solicitor of the fifteenth judicial circuit three deputy solicitors who shall serve in lieu of all other assistant circuit solicitors heretofore provided for said circuit. The deputy circuit solicitors herein provided for shall serve at the pleasure of the circuit solicitor. One shall be paid an annual salary by the state in the amount of four thousand eight hundred dollars (\$4,800.00) and two shall be paid an annual salary by the state in the amount of four thousand two hundred dollars (\$4,200.00), payable as the salaries of other state officers are paid. At the time of their appointment the circuit solicitor shall designate which deputy circuit solicitor shall receive which salary. There is hereby appropriated for each of the fiscal years ending September 30, 1966 and September 30, 1967 the amount of thirteen thousand two hundred dollars (\$13,200.00) for the payment of the salaries of the three assistant circuit solicitors provided for in this section, which shall be in lieu of all other appropriations heretofore made for the salary of deputy circuit solicitors for the fifteenth judicial circuit. The deputy circuit solicitors of the fifteenth judicial circuit shall not be subject to the provisions of subsection 12 of section 229, Title 13, Code of Alabama 1940.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 31, 1965.

Time: 10:55 A. M.

Act No. 658

H. 1225—Posey

AN ACT

To provide for the relief of T. A. Baldy of Winston County; authorizing and directing the governing body of Winston County to compensate T. A. Baldy for medical and hospital expenses incurred and for personal injuries suffered by him in connection with an injury received while performing his duty as a deputy sheriff of the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of revenue, court of county commissioners, or other like governing body of Winston County is hereby authorized and directed to pay to T. A. Baldy of Winston County the sum of four thousand dollars (\$4,000) from any funds in the county treasury not otherwise appropriated as reimbursement for medical and hospital expenses incurred and as compensation for personal injuries suffered by him as the result of an injury received by him in 1964 while performing his duty as a deputy sheriff of the county. The Legislature finds that the circumstances surrounding the injury were such that the said T. A. Baldy has an equitable and just claim against Winston County but no recourse at law to recover his damages.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 31, 1965.

Time: 11:59 A. M.

Act No. 659

H. 1226—Posey

AN ACT

To provide additional deputies for the sheriff of Winston County in lieu of the additional deputies heretofore provided by law; to provide for the appointment of such deputies to prescribe their duties and to fix their compensation, payable out of the general funds of the county; to repeal Act No. 158, S. 166, Regular Session 1927 (local acts 1927, p. 69) and Act No. 203, H. 617, Regular Session 1947 (local acts 1947, p. 121) both of which Acts provide for additional deputies to the sheriff of Winston County.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to the chief deputy provided by law, but in lieu of any additional deputies heretofore provided by law, the sheriff of Winston County shall be allowed two additional deputies, each of whom shall be appointed by and hold office at the pleasure of the sheriff and the approval of the County governing body. Each such deputy shall be eligible to perform the duties of a deputy anywhere in the

county, and shall receive a salary of \$3,600.00 per annum plus an additional \$1,200 per annum for expenses, all to be paid in equal monthly installments out of the general funds of the county.

Section 2. Act No. 158, S. 166, Regular Session 1927 (Local Acts 1927, p. 69) and Act No. 203, H. 617, Regular Session 1947 (Local Acts 1947, p. 121) both of which Acts provide for additional deputies to the sheriff of Winston County, and all other laws or parts of laws in conflict with this Act are hereby repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective on the first day of the month next following its passage and approval by the Governor or its otherwise becoming a law.

Approved August 31, 1965.

Time: 11:55 A. M.

Act No. 660

H. 1160—Crawford

AN ACT

RELATING TO CERTAIN MUNICIPAL CORPORATIONS; AMENDING SECTION 21 OF TITLE 37, CODE OF ALABAMA, 1940, IN RELATION TO THE FORFEITURE OF CHARTER; CAUSES OF FORFEITURE, BY CERTAIN MUNICIPALITIES.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 21 of Title 37, Code of Alabama, 1940, is hereby amended to read as follows:

“Section 21. If any municipal corporation having a population of eleven hundred inhabitants, or less, fail to elect a mayor or other chief executive officer for more than one year after the time fixed for such elections; or shall fail to levy and collect city taxes or arrange to receive moneys or services in lieu of such taxes for more than three successive years, or shall fail to see that the streets and roads within its limits are kept in proper condition, it shall, as a municipal corporation, forfeit its charter and such forfeitures shall be determined in the manner set out in the following sections.”

Section 2. The provisions of this Act shall apply to all such municipal corporations heretofore or hereafter created under the laws of the State of Alabama.

Section 3. This Act shall go into effect immediately upon

its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 31, 1965.

Time: 10:07 A. M.

Act No. 661

H. 836—Nettles

AN ACT

To provide for and regulate salaries payable to certain state officers and employees in state service, further amending Code of Alabama 1940, Title 41, Section 152, and repealing laws in conflict herewith.

Be It Enacted by the Legislature of Alabama:

Act No. 268 (H. 93) Regular Session 1963 (Acts 1963, v. 2, p. 712), entitled "An Act To provide for and regulate salaries payable to certain state officers and employees in state service, further amending Code of Alabama 1940, Title 41, Section 152, and repealing laws in conflict herewith," is amended to read as follows:

"Section 1. Title 41, Section 152, Code of Alabama 1940, as last amended by Act No. 1034, Acts of 1961, page 1619, is further amended to read as follows:

"When not fixed by law or provided for in the pay plan of the merit system, the Governor is authorized to fix or approve salaries or compensation of officers and employees of the State of Alabama, but no salary or compensation, including those provided for in the pay plan of the merit system for unclassified positions, in the state service, shall be fixed or approved in excess of eleven thousand dollars (\$11,000) per annum, unless a different maximum is fixed by law. The State Personnel Board may provide in the pay plan for officers and employees in the classified service of the state, other than physicians employed by the State Health Department whose salaries are fixed in accordance with Section 9, Title 22 of this Code, as amended, and the Directors of Unemployment Compensation and Employment Service whose salaries are fixed by Section 25, Title 26, of this code, and are paid solely from Federal grants, and employees of the State Docks Department, a maximum salary or compensation not exceeding twelve thousand five hundred dollars (\$12,500) per annum, any law now applying to the salary or compensation of specific officers or employees to the contrary notwithstanding; and provided further, where the salary or compensation of any officer or employee in the exempt or unclassified service is now fixed by law at a lower amount the appointing authority (as defined in the merit system law) may fix the salary

or compensation at an amount not exceeding the maximum salary of officers and employees in the unclassified service. The salary or compensation of officers and employees of the State Docks Department who are in the classified service of the state shall be provided for in the pay plan of the merit system without regard to the limitations prescribed herein.

"Section 2. The following public officers in the service of the State shall each be paid a salary not to exceed \$12,000 per annum, the exact amount to be determined by the authority that appoints such officer: Director of Aeronautics; Director, Department of Archives and History; Director, Department of Labor; Director, Bureau of Publicity and Information; Director of Civil Defense; Confidential Assistant to the Governor; Member, Pardon and Parole Board.

"Section 3. The following public officers in the service of the State shall each be paid a salary not to exceed \$13,000 per annum, the exact amount to be determined by the authority that appoints such officer: State Service Commissioner; Assistant Director of Finance; Superintendent of Insurance; Director, State Personnel Board; Director, State Planning and Industrial Development Board; Press Secretary to the Governor; Assistant Chief Examiner of Public Accounts.

"Section 4. The following public officers in the service of the State shall each be paid a salary not to exceed \$14,000 per annum, the exact amount to be determined by the authority that appoints such officer: Commissioner of Pensions and Security; State Comptroller; Adjutant General; Director, Department of Conservation; Director of Public Safety; Legal Advisor to the Governor; State Geologist; Chief of the Legal Division, Department of Finance.

"Section 5. The following public officers in the service of the State shall each be paid a salary not to exceed \$15,000 per annum, the exact amount to be determined by the authority that appoints such officer: State Budget Officer; Director, Legislative Reference Service; Commissioner of Corrections; Administrator, Alabama Alcoholic Beverage Control Board; Executive Secretary to the Governor; State Toxicologist; Chief Examiner of Public Accounts; Superintendent of Banks.

"Section 6. The Director of Finance shall be paid a salary not to exceed \$18,000 per annum, the exact amount to be fixed by the Governor. The Commissioner of Revenue and the Director of State Docks shall each be paid a salary not to exceed \$17,000 per annum, the exact amount to be fixed by the Governor.

"Section 7. The salaries and compensation fixed or provided for in this Act shall be paid at the same time, in the same manner and out of the same funds from which the salaries

and compensation heretofore provided by law for such officers was paid and in the amounts herein specified, or so much thereof as may be necessary to pay the salaries and compensation fixed under this Act is hereby appropriated out of such funds for such purpose.

"Section 8. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

"Section 9. All laws or parts of laws, local, special or general, in conflict with the provisions of this Act are hereby repealed.

"Section 10. The provisions of this Act shall become effective October 1, 1965; provided, that should there be a statutory or constitutional prohibition preventing any of these public officers named in this Act from receiving the prescribed compensation as of such date, the provisions of the Act shall become effective as to them immediately following the date upon which such prohibition expires."

Approved September 1, 1965.

Time: 2:10 P. M.

Act No. 662

H. 935—Engel, Brewer

AN ACT

To provide for the organization of a public corporation in the state to be known as the State Industrial Development Authority; to designate the officers and members of the board of directors of the Authority; to prescribe the powers and duties of the Authority, including the power to make certain state surveys incidental to industrial development and the power to make grants of money to counties, municipalities, and local industrial development boards, subject to certain limitations, for the purposes of making certain local surveys incidental to industrial development and to grade and drain industrial sites and the means of access thereto; to provide that the Authority may issue and sell bonds for the purpose of making said grants of money; to provide that such bonds and the income therefrom shall be exempt from taxation, and that such bonds may be issued to secure deposits of funds of the state and its political subdivisions, instrumentalities and agencies and for investment of fiduciary funds, and shall not create an obligation or debt of the state; to provide that all bonds issued by the Authority may thereafter be refunded by the issuance of refunding bonds; to provide for the disposition of the proceeds of the sale of the bonds of the Authority; to make an appropriation and pledge of funds from the special tax levied by the act adopted at the 1965 Regular Session of the Legislature of Alabama that was introduced as House Bill 874 at said session, to the extent necessary to pay the principal of and interest on bonds of the Authority, as such principal and interest mature; to authorize the Authority to pledge such funds for the payment of the principal of and interest on its bonds; to provide that such principal and interest shall be payable solely from such funds and that such bonds shall nevertheless constitute negotiable

instruments; to provide that the State Treasurer shall be the custodian of the funds of the Authority; to provide for the dissolution of the Authority; and to repeal Act No. 242 adopted at the Extraordinary Session of the Legislature of Alabama of 1965, which convened on February 16, 1965.

Be It Enacted by the Legislature of Alabama:

Section 1. Legislative Findings of Fact and Declaration of Intent. The Legislature hereby makes the following findings of fact and declares its intent to be as follows: In recent years changes have taken place in the economy of this state which have had a far-reaching effect on the welfare of its citizens. The agrarian economy which once prevailed in this state and provided the principal means of livelihood for most of the citizens of the state has proven inadequate to provide employment for the state's growing population. The advent of mechanized and scientific farming methods has reduced greatly the number of persons required to obtain increased yields of agricultural products from land under cultivation. There has been a correspondingly greater dependence upon industrial development as the bulwark of the economy of this state. It is appropriate and necessary that measures be taken to secure to the citizens of this state the benefits of a strengthened economy resulting from increased industrial development. Among these benefits are diversification of available job opportunities, higher salaries, better working conditions, lower consumer prices for industrial products, conservation and efficient use of natural resources, and maximum utilization of technical skills possessed by the citizens of this state. The police power of the state casts upon the Legislature the peculiar function of ascertaining and determining when the welfare of the people needs its exercise. The public interest lies in the promotion of industry, and welfare of the people is so inextricably tied up with industry and industrial development, as to make its well-being a matter of governmental concern. It is the intention of the Legislature by the passage of this Act to exercise its police power to authorize the formation of an independent public corporation which shall have as its general purpose the promotion of industrial development in this state, and which shall have power to issue bonds payable solely from the proceeds of a special state tax herein set aside for the purpose of retiring the said bonds. It is the further intention of the Legislature that the public corporation herein authorized shall have discretion as to the manner of expending funds at its disposal for the purpose of promoting industrial development in this state, subject to the limitations more particularly detailed hereinafter. This Act shall be liberally construed in accordance with the foregoing findings of fact and declaration of intent.

Section 2. Definitions. The following words and phrases used in this Act, and others evidently intended as the equivalent thereof, shall, in the absence of clear implication herein otherwise, be given the following respective interpretations herein:

“Authority” means the public corporation organized pursuant to the provisions of this Act.

“Board of directors” means the board of directors of the Authority.

“Bonds” means the bonds issued under the provisions of this Act.

“Grantee” means a county, municipality or local industrial development board organized as a public corporation in this state, to which a grant of money is made as provided in section 7 hereof.

“Industrial sites” means land owned by a grantee or potential grantee on which industrial facilities have been or will be constructed for sale or lease to an individual, private association or private corporation.

“Nominal transferee” means any person to whom a grantee transfers one or more industrial sites or any part of any thereof for less than fair market value and any person who derives title to such industrial sites or any part of any thereof through such a transferee.

“Person,” unless limited to a natural person by the context in which it is used, includes a private firm, a private association, a public or private corporation, a municipality, a county, or an agency, department or instrumentality of the state or of a county or municipality.

“Preparation of industrial sites” means the grading and draining of industrial sites and the means of access thereto.

“State” means the State of Alabama.

“Herein,” “hereby,” “hereunder,” “hereof,” and other equivalent words refer to this Act as an entirety and not solely to the particular section or portion thereof in which any such word is used.

The definitions set forth above shall be deemed applicable whether the words defined are used in the singular or plural. Whenever used herein any pronoun or pronouns shall be deemed to include both singular and plural and to cover all genders.

Section 3. Authorization to Form Public Corporation. The Director of the State Planning and Industrial Development

Board, the Director of Revenue, and the Director of Finance may become a public corporation with the powers herein provided, by proceeding according to the provisions of Section 4 hereof.

Section 4. Procedure to Incorporate. To become the public corporation herein authorized, the Director of the State Planning and Industrial Development Board, the Director of Revenue, and the Director of Finance shall present to the Secretary of State of Alabama an application signed by them which shall set forth: (a) the name, official designation, and official residence of each of the applicants, together with a certified copy of the commission evidencing each applicant's right to office; (b) the date on which each applicant was inducted into office and the term of office of each applicant; (c) the name of the proposed public corporation, which shall be the State Industrial Development Authority; and (d) the location of the principal office of the proposed corporation. The applicants may also include in the said application any other matters which are not inconsistent with this Act or with any of the other laws of the State. The application shall be subscribed and sworn to by each of the applicants before an officer authorized by the laws of this state to take acknowledgments to deeds. The Secretary of State shall examine the application and, if he finds that it substantially complies with the requirements of this section, he shall receive and file it and record it in an appropriate book of records in his office.

Section 5. Issuance of Certificate of Incorporation. When the application has been made, filed, and recorded as herein provided, the applicants shall constitute a corporation under the name proposed in the application and the Secretary of State shall make and issue to the applicants a certificate of incorporation pursuant to this Act, under the Great Seal of the state, and shall record the certificate with the application. There shall be no fees paid to the Secretary of State for any service rendered or work performed in connection with the Authority, its incorporation, dissolution or records.

Section 6. Members, Officers and Proceedings of the Authority. The applicants named in the application and their respective successors in office shall constitute the members of the Authority. The Director of the State Planning and Industrial Development Board shall be the president of the Authority, the Director of Revenue shall be the vice president thereof, and the Director of Finance shall be the secretary thereof. The State Treasurer shall be treasurer of the Authority, shall act as custodian of its funds, and shall pay the principal of and interest on the bonds of the Authority out of the funds herein provided for. The members of the Authority shall

constitute all the members of the board of directors of the Authority, and any two members of the said board of directors shall constitute a quorum for the transaction of business. Should any person holding any state office named in this section cease to hold such office by reason of death, resignation, expiration of his term of office, or for any other reason, then his successor in office shall take his place as an officer and member of the board of directors of the Authority. No officer or member of the board of directors of the Authority shall draw any salary in addition to that now authorized by law for any service he may render or for any duty he may perform in connection with the Authority. All proceedings had and done by the board of directors shall be reduced to writing by the secretary of the Authority, shall be signed by at least two members of the Authority present at the proceedings, and shall be recorded in a substantially bound book and filed in the office of the Secretary of State. Copies of such proceedings, when certified by the secretary of the Authority, under the seal of the Authority, shall be received in all courts as prima facie evidence of the matters and things therein certified.

Section 7. Powers of the Authority. The Authority shall have the following powers: (a) to have succession by its corporate name until dissolved as herein provided; (b) to institute and defend legal proceedings in any court of competent jurisdiction and proper venue, provided that the Authority may not be sued in any nisi prius court other than the courts of the county in which is located the principal office of the Authority, and provided further that the officers, directors, agents and employees of the Authority may not be sued for actions in behalf of the Authority in any nisi prius court other than the courts of the county in which is located the principal office of the Authority; (c) to have and to use a corporate seal and to alter the seal at pleasure; (d) to establish a fiscal year; (e) to anticipate by the issuance of its bonds the receipt of the revenues herein appropriated and pledged; (f) as security for the payment of the principal of and interest on its bonds, to pledge the proceeds of the appropriations and pledges herein provided for; (g) to make surveys to determine suitable locations in the state for prospective industries; (h) to make surveys to determine the availability of labor in various parts of the state and to classify such labor in terms of skills and educational level; (i) to assist counties, municipalities, and local industrial development boards organized as public corporations in the state, in the survey and analysis of their industrial resources and needs; (j) to make grants of money to counties, municipalities and local industrial development boards organized as public corporations in the state, for the purposes and subject to the

terms and conditions set forth in section 8 hereof; and (k) to appoint and employ such attorneys and agents as the Authority may require for the carrying out of its corporate purposes and the exercise of the foregoing powers.

Section 8. Authorization to Issue Bonds. The Authority is hereby authorized from time to time to sell and issue its bonds not exceeding two million six hundred thousand dollars (\$2,600,000.00) in aggregate principal amount for the purpose of making the grants of money authorized in section 7(j) hereof. The grantees may use the said grants authorized in the said section 7(j) for: (a) the making of surveys to determine the location of suitable industrial sites in the locality of the grantee; (b) the making of surveys to determine the availability of labor in the locality of the grantee and to classify such labor in terms of skills and educational level; (c) the preparation of industrial sites; or (d) any combination of any of the foregoing which the grantees consider appropriate and necessary for the promotion of industrial development in their respective localities.

Every grant of money made by the Authority pursuant to section 7(j) hereof shall be made subject to the following terms and conditions, which are hereby declared to be legally enforceable in any court of competent jurisdiction: (1) no part of any such grant or grants shall be used with respect to the preparation of industrial sites in excess of one and one-half percent of the amount that it is anticipated will be spent for the construction and equipment of the facilities that will occupy the said industrial sites, as such anticipated amount shall be certified to the Authority by the architect or engineer for the facilities to be constructed and equipped or by the chief executive officer of the grantee; (2) no part of any such grant or grants shall be used with respect to the preparation of industrial sites in any case where any individual, private association or private corporation has received or is to receive an option to purchase such industrial sites or any part of any thereof from the grantee or any nominal transferee of the grantee for less than the fair market value of such industrial sites; and (3) the Authority shall have power to audit the disbursements by the grantee from such grant or grants; (4) any appropriate terms and conditions to facilitate the enforcement of the foregoing provisions of this paragraph.

Section 9. Details Respecting the Bonds. The bonds of the Authority shall be signed by its president and attested by its secretary and the seal of the Authority shall be affixed thereto, and any interest coupons applicable to such bonds shall be signed by the president; provided, that a facsimile of the signature of one, but not both, of said officers may be printed

or otherwise reproduced on any such bonds in lieu of being manually subscribed thereon, a facsimile of the seal of the Authority may be printed or otherwise reproduced on any such bonds in lieu of being manually affixed thereto, and a facsimile of the president's signature may be printed or otherwise reproduced on any such interest coupons in lieu of being manually subscribed thereon. Any bonds of the Authority may be executed and delivered by it at any time and from time to time, and shall be in such form and denominations and of such tenor and maturities, shall bear such rate or rates of interest, not exceeding five percent per annum, shall be payable at such times and evidenced in such manner, and may contain such other provisions not inconsistent herewith, all as may be provided by the resolution of the board of directors of the Authority under which such bonds are authorized to be issued; provided, that no bond of the Authority shall have a specified maturity date later than twenty years after its date. Any bond of the Authority may be made subject to redemption at the option of the Authority at such times and after such notice and on such conditions and at such redemption price or prices as may be provided in the resolution under which it is authorized to be issued; provided, that those bonds of the Authority having specified maturity dates more than ten years after their date shall be made subject to redemption at the option of the Authority not later than the end of the tenth year after their date, and on any interest payment date thereafter, under such terms and conditions and at such redemption price or prices as may be provided in the resolution under which such bonds are authorized to be issued. Bonds of the Authority may be sold from time to time as the board of directors of the Authority may consider advantageous, but bonds of the Authority must be sold only at public sale, either on sealed bids or at public auction, to the bidder whose bid reflects the lowest net interest cost to the Authority for the bonds being sold, computed from their date to their respective maturities; provided, that if no bid acceptable to the Authority is received, it may reject all bids. Notice of each such sale shall be given by publication in either a financial journal or a financial newspaper published in the City of New York, New York, and also by publication in a daily newspaper published in the State of Alabama not less than five days during each calendar week, each of which notices must be published at least one time not less than ten days before the date fixed for the sale. The board of directors of the Authority may fix the terms and conditions under which such sale may be held; provided, that none of the bonds may be sold for a price less than the face value thereof; and provided, further, that such terms and conditions shall not conflict with any of the requirements of this Act. Subject to the provisions and

limitations contained in this Act, the Authority may from time to time sell and issue refunding bonds for the purpose of refunding any matured or unmatured bonds of the Authority then outstanding. Such refunding bonds shall be subrogated and entitled to all priorities, rights and pledges to which the bonds refunded thereby were entitled. Approval by the president of the Authority of the terms and conditions under which any bonds of the Authority may be issued shall be requisite to their validity. Such approval shall be entered on the minutes of the meetings of the board of directors at which the bonds are authorized, and shall be signed by the president of the Authority. The Authority may pay out of the proceeds of the sale of its bonds attorneys' fees and the expenses of issuance which the said board of directors may deem necessary and advantageous in connection with the issuance of such bonds. No fiscal agents' fees shall be paid in connection with the issuance or sale of any bonds. Bonds issued by the Authority shall not be general obligations of the Authority but shall be payable solely out of the funds appropriated and pledged therefor in section 11 hereof. As security for the payment of the principal of and interest on the bonds issued by it, the Authority is hereby authorized and empowered to pledge for payment of such principal and interest the funds that are appropriated and pledged in section 11 hereof for payment of such principal and interest. All such pledges made by the Authority shall take precedence in the order of the adoption of the resolutions containing such pledges; provided, that each pledge for the benefit of refunding bonds shall have the same priority as the pledge for the benefit of the bonds refunded thereby. All contracts made and all bonds issued by the Authority pursuant to the provisions of this Act shall be solely and exclusively obligations of the Authority and shall not constitute or create an obligation or debt of the State of Alabama. Bonds issued by the Authority shall be construed to be negotiable instruments, although payable solely from a specified source, as provided herein. All bonds issued by the Authority and the income therefrom shall be exempt from all taxation in the state. Any bonds issued by the Authority may be used by the holder thereof as security for any funds belonging to the state, or to any political subdivision, instrumentality or agency of the state, in any instance where security for such deposits may be required by law. Unless otherwise directed by the court having jurisdiction thereof, or the document that is the source of authority, a trustee, executor, administrator, guardian, or one acting in any other fiduciary capacity may, in addition to any other investment powers conferred by law and with the exercise of reasonable business prudence, invest trust funds in bonds of the Authority. Neither a public hearing nor consent of the State Department of Finance or any other department or agency shall be a prerequisite to the issuance of bonds by the Authority. The bonds

issued under the provisions of this Act shall be legal investments for funds of the "Teachers' Retirement System of Alabama", the "Employees' Retirement System of Alabama" and the State Insurance Fund.

Section 10. Deposit of and Disbursements from Bond Proceeds. The proceeds of all bonds, other than refunding bonds, issued by the Authority remaining after paying expenses of their issuance shall be deposited in the State Treasury, and shall be carried in the State Treasury in a special or separate account. Such funds shall be subject to be drawn upon by the Authority with the approval of the president of the Authority, but any funds so withdrawn shall be used solely for the purposes for which the bonds were issued as authorized in this Act.

The State Treasurer, with the approval of the president of the Authority, shall invest funds not needed immediately or within the ensuing thirty days for any purpose for which they are held, which investments shall be made in the manner authorized and provided for in Act No. 66 adopted at the 1945 Regular Session of the Legislature of Alabama.

The proceeds from the sale of any refunding bonds issued hereunder remaining after paying the expenses of their issuance shall be used only for the purpose of refunding the principal of outstanding bonds of the Authority and of paying any premium that may be necessary to be paid in order to redeem or retire the bonds to be refunded.

Section 11. Revenues of the Authority. For the purpose of providing funds to enable the Authority to pay at their respective maturities the principal of and interest on any bonds issued by it under the provisions of this Act and to accomplish the objects of this Act, there is hereby irrevocably pledged to such purpose and there is hereby appropriated so much as may be necessary for such purpose of the receipts from the tax levied by the Act adopted at the 1965 Regular Session of the Legislature of Alabama that was introduced as House Bill 874 at said session. All moneys hereby appropriated and pledged shall constitute a sinking fund for the purpose of paying the principal of and the interest on the bonds herein authorized.

Section 12. Disbursement of Funds. Out of the revenues appropriated and pledged in section 11 hereof, the State Treasurer is hereby authorized and directed to pay the principal of and interest on the bonds issued by the Authority under the provisions of this Act, as said principal and interest shall respectively mature, and the State Treasurer is further authorized and directed to set up and maintain appropriate records pertaining thereto.

Section 13. Dissolution of Authority. At any time when no bonds of the Authority are outstanding, the Authority may be dissolved upon the filing with the Secretary of State of an application for dissolution, which shall be subscribed by each of the members of the Authority and sworn to by each such member before an officer authorized to take acknowledgments to deeds. Upon the filing of such application for dissolution, the Authority shall cease to exist. The Secretary of State shall file and record the application for dissolution in an appropriate book of record in his office, and shall make and issue, under the Great Seal of the state, a certificate that the Authority is dissolved, and shall record such certificate with the application for dissolution. Title to all property held in the name of the Authority shall be vested in the state upon dissolution of the Authority.

Section 14. Repealer. Act No. 242 adopted at the Extraordinary Session of the Legislature of Alabama of 1965, which convened on February 16, 1965, is hereby repealed.

Section 15. Effective Date. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 1, 1965.

Time: 2:12 P. M.

Act No. 663

S. 35—Evans, Horton

AN ACT

To amend Title 14, Section 217, Code of 1940.

Be It Enacted by the Legislature of Alabama:

That title 14, Section 217, Code of 1940, be and the same is hereby amended so as to read as follows:

Section 217. FRAUDULENTLY OBTAINING MONEY OR GOODS ON CREDIT, OR BRINGING INTO STATE MONEY OR GOODS SO OBTAINED.

Any person who, by false representation of his or any corporation's pecuniary condition, or under the false color and pretense of carrying on business, and dealing in the ordinary course of trade, obtains for himself or such corporation on credit from any person money, goods, or chattels, with the intent to defraud, or brings, or causes to be brought in this state any money, goods, or chattels so obtained in any other state, shall, on conviction, be punished as if he had stolen the same; and any person violating the provisions of this section may be indicted and tried in the county in which he resides,

or in any county into which he brings, or causes to be brought, any of such money, goods, or chattels.

Approved September 1, 1965.

Time: 7:19 P. M.

Act No. 664

S. 36—Evans, Horton

AN ACT

To make it unlawful for any person to withdraw or cause to be withdrawn from any state or national bank funds credited to a depositor's account through error or mistake, or to induce any such bank to pay any such funds to any person by making, drawing, uttering or delivering a check, draft or order for the payment of money, with the intent to so induce such bank; and to provide the penalties for violation of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. Any person who withdraws or causes to be withdrawn from any state or national bank any funds which he knows or has reasonable grounds to believe have been credited to the account of a depositor in such bank through mistake or error, or who induces any such bank to pay any such funds to any person by making, drawing, uttering or delivering a check, draft or order for the payment of money, with the intent to so induce such bank, shall, on conviction, be punished as if he had stolen such funds.

Section 2. All laws and parts of laws in conflict with any provision of this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage by the Legislature and approval by the Governor, or upon its otherwise becoming a law.

Approved September 1, 1965.

Time: 7:31 P. M.

Act No. 665

S. 50—Metcalf

AN ACT

To validate in certain cases elections heretofore held in municipalities or counties for the purpose of authorizing any special tax under the Constitution.

Be It Enacted by the Legislature of Alabama:

Section 1. Every election heretofore held in any municipality or in any county on the question of the levy of a special tax for any purpose under the Constitution of Alabama, in-

cluding any amendment thereto, at which election a majority of the votes cast were in favor of the levy of the said tax but which election was irregular by reason of failure prior to the holding of the election to give notice thereof in a newspaper or by posting in the manner or for the time required by any statute applicable to the election, or because of the failure to comply with any other statutory requirement applicable to the election, or because of any other irregularity with respect to the holding of the election or canvassing and recording the results thereof, shall be and every such election is hereby ratified and confirmed and given effect in all respects as if all provisions of law relating to such election had been duly and legally complied with, and the said tax may be levied and collected pursuant to the authorization purported to have been granted at such election; provided, that this Act shall not apply to any election which, prior to the enactment of this Act, has been held invalid by the Supreme Court of Alabama or by final decree of the Circuit Court or other court of like jurisdiction in the county in which the election was held and from which decree an appeal was not taken to the Supreme Court of Alabama within the time provided by law for the taking of such appeals, or to any election the validity of which is an issue in any pending suit commenced prior to the effective date of this Act.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 1, 1965.

Time: 7:18 P. M.

Act No. 666

S. 49—Metcalf

AN ACT

To validate, in certain cases, municipal corporations attempted to be organized under the laws of Alabama and invalid because of any irregularity in the procedure for incorporation.

Be It Enacted by the Legislature of Alabama:

Section 1. In all cases heretofore where there has been an attempt to organize the inhabitants of any territory as a municipal corporation under the provisions of Article 1 of Chapter 2 of Title 37 of the Code of Alabama of 1940, as amended, and the Judge of Probate of the county in which such territory is situated has made an order that the inhabitants of such territory are incorporated as a town or city, as the case may be, pursuant to Section 13 of Title 37 of said Code,

but the attempted incorporation is invalid because of some irregularity in the procedure followed, the incorporation of any municipality so attempted to be organized, and with respect to which such order has been made, shall be and is hereby validated ab initio in accordance with the description of the territory attempted to be incorporated as the said description is contained in such order, or, if the description of the territory attempted to be incorporated is not contained in such order, in accordance with the description of said territory contained in the petition of the electors filed with said Judge of Probate, notwithstanding any failure to comply with the requirements respecting the signatures to or contents of the petition for incorporation, any irregularities as to publication or posting, or any other failure to comply with the procedures set forth in the said article or otherwise required by law; provided, that this Act shall not apply to the incorporation of any municipality held to be invalid by a court of competent jurisdiction by judgment entered prior to the effective date of this Act.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 1, 1965.

Time: 7:17 P. M.

Act No. 667

S. 51—Metcalf

AN ACT

To validate in certain cases elections heretofore held in municipalities or counties on the question of the issuance of bonds.

Be It Enacted by the Legislature of Alabama:

Section 1. Every election heretofore held in any municipality or in any county for the purpose of voting upon and deciding the question of whether bonds of such municipality or county, as the case may be, shall be issued, at which election a majority of the votes cast were in favor of the issuance of the bonds but which election was irregular by reason of failure prior to the holding of the election to give notice thereof in a newspaper or by posting in the manner or for the time required by any statute applicable to the election, or because of the failure to comply with any other statutory requirement applicable to the election, or because of any other irregularity with respect to the holding of the election or canvassing or recording the results thereof, shall be and every such election is hereby ratified and confirmed and given effect in all respects as if all provisions of law relating to such election

had been duly and legally complied with; and bonds may be issued pursuant to the authorization purported to have been granted at such election, and any bonds heretofore or hereafter issued pursuant to such purported authorization shall be valid; provided, that this Act shall not apply to any election which, prior to the enactment of this Act, has been held invalid by the Supreme Court of Alabama, or by final decree of the Circuit Court or other court of like jurisdiction in the county in which the election was held and from which decree an appeal was not taken to the Supreme Court of Alabama within the time provided by law for the taking of such appeals, or to any election the validity of which is an issue in any pending suit commenced prior to the effective date of this Act.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 1, 1965.

Time: 7:16 P. M.

Act No. 668

S. 61—Clark

AN ACT

To create a solicitor's fund in each judicial circuit of Alabama where there does not now exist such fund; to provide for the appropriation of moneys to said fund from solicitors' fees taxed and collected in all criminal cases in all circuit courts in such judicial circuits; and to authorize expenditures of said fund by the circuit solicitor for law enforcement and the discharge of the duties of his office.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall be effective in those judicial circuits of Alabama now or hereafter created where there is no local, general or special law providing for a solicitor's fund for the use of the circuit solicitors in the discharge of their duties and for law enforcement.

Section 2. All solicitors' fees hereafter taxed as costs and collected in all criminal cases in the circuit courts in the judicial circuits defined in Section 1 hereof shall be paid into the county treasury of the county in which said fees are taxed and collected and said fund shall be kept as a separate fund in the county treasury and shall be known as the Solicitor's Fund and shall be used and expended by the circuit solicitor of the judicial circuit of which said county is a part, as hereinafter provided.

Section 3. The circuit solicitor of each judicial circuit, as

defined in Section 1 hereof, is hereby authorized to requisition expenditures from the said solicitor's fund for the payment of any and all expenses to be incurred by him for law enforcement and in the discharge of the duties of his office, as he sees fit. The treasurer of each county in each judicial circuit, as defined in Section 1 hereof, shall pay out of said funds to the said solicitor upon requisition made to the treasurer by the solicitor.

Section 4. All laws and parts of laws in conflict herewith are hereby repealed, but it is not intended to repeal or modify or change in any manner any general, local or special law creating solicitors' funds for certain judicial circuits, and the same shall remain in full force and effect.

Section 5. This act shall become effective upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved September 1, 1965.

Time: 6:46 P. M.

Act No. 669

S. 64—Clark

AN ACT

To amend Section 21 of Act No. 107, Acts 1959, page 604, approved August 26, 1959 (Title 46, Section 257(46), Code of Alabama Recompiled 1958, 1963 (Cumulative Pocket Part), entitled "An Act to provide further regulations governing the qualifications and eligibility of persons to engage in or be admitted to the practice of the healing arts; creating the state board of examiners in the basic sciences to administer the act, and providing for its organization, jurisdiction, authority, powers, and duties; imposing fees and charges and providing for their use; prescribing penalties," to exempt full time teachers in approved medical colleges certified by the dean thereof as having sufficient qualifications in the basic sciences.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 21 of Act No. 107, Acts 1959, page 604 approved August 26, 1959 (Title 46, Section 257(46), Code of Alabama Recompiled 1958, 1963 Cumulative Pocket Part), entitled as aforesaid, is hereby amended to read as follows:

"Section 21. Exemptions. Nothing in this Act shall be construed to apply to any person lawfully authorized, in the manner then provided by law, to practice the healing arts in this state on the date this Act takes effect.

"Nothing in this Act shall be construed to apply to any person lawfully certified, under section 21 of that certain act of the Legislature creating the State Board of Chiropractic Examiners, to practice chiropractic in this state.

"Nothing in this act shall be construed to prevent or forbid the domestic administration of family remedies, or the manufacture or sale of proprietary medicines in the state by licensed druggists, or the advertising or sale of commercial appliances or remedies, nor prevent or forbid the fitting by non-itinerant persons or manufacturers of artificial eyes, limbs or other apparatus or appliances, provided that these specified activities are conducted in conformity with the law of Alabama authorizing and regulating such activities.

"Nothing in this act shall be construed to prevent the furnishing of first aid or medical assistance in case of a genuine emergency in the absence of a qualified practitioner.

"Nothing in this Act shall be construed to prohibit or require the licensing of the practice of the religious tenets of any church in the ministration to the sick or suffering by mental or spiritual means without the use of any drug or material remedy, whether gratuitously or for compensation.

"Nothing in this Act shall be construed to apply to or interfere with dentists, chiropodists, or pharmacists within the scope of their usual professional activities, who are duly qualified and registered under the laws of this state, nor shall this Act apply to registered optometrists authorized to practice under the laws of this state while engaged in such practice, nor shall this Act apply to clinical psychologists.

"Nothing in this Act shall be construed to apply to or to interfere with nurses or registered midwives who publicly represent themselves as such, within the scope of their usual professional activities.

"Nothing in this Act shall be construed to apply to those physicians who are full time teachers in the Medical College of Alabama or of any other medical college in Alabama approved by the Association of American Medical Colleges, or the State board of medical examiners, and who have been certified by the dean of such college to the State board of medical examiners as having sufficient qualifications in the basic sciences. Provided that the dean in submitting said certificate of qualifications shall submit in addition to the certificate and other information required a dossier on said applicant to include the following: name, residence of birth, all places of residence, race, religious beliefs, any convictions of any crimes, education showing institution degrees, medical training, degrees and experience, internships by years and place, any other honorary degrees or recognitions. The dean shall include any other remarks appropriate. The application shall contain a statement that said applicant is not now a member of the Communist Party in America nor of any other nation, nor of international communism, nor has ever been. In the

event any applicant has been affiliated with or a member of any of the aforementioned groups then that fact, plus dates, activities and places of the activities shall be set out in detail on the application and filed with the board. The statement shall be signed by the said applicant under oath. The dean shall verify said records including the last statement upon 'information and belief'. Said record shall be public records and shall be submitted to the board and kept as permanent records for the use of the board and for public inspection for due cause."

Section 2. The provisions of this act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part that remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective after its passage and approval by the Governor, or its otherwise becoming a law, provided that two certain bills have been passed by the Legislature and have been approved by the Governor, or have otherwise become a law, namely, a Bill to be Entitled an Act to amend Section 269 of Title 46, Code of Alabama 1940, and a Bill to Be Entitled an Act to amend Sections 3 and 7 of Act No. 106, Acts 1959, page 592, approved August 26, 1959 (Title 46, Sections 257(3) and 257(7), Code of Alabama Recompiled 1958, 1963 Cumulative Pocket Part).

Approved September 1, 1965.

Time: 7:15 P. M.

Act No. 670

S. 65—Clark

AN ACT

To amend Sections 3 and 7 of Act No. 106, Acts 1959, page 592, approved August 26, 1959 (Title 46, Sections 257 (3), 257(7), Code of Alabama Recompiled 1958, 1963 Cumulative Pocket Part), entitled "An Act to provide for the issuance, suspension, revocation, and renewal of licenses and certificates of registration of all persons admitted to or engaged in the practice of the healing arts or any branch thereof in the State of Alabama; creating a State Licensing Board for the Healing Arts to administer the act and to assist in the enforcement of other regulatory laws; providing for its organization, officers, jurisdiction, powers and duties; prescribing procedures and grounds governing the issuance, suspension, revocation, or renewal of such licenses and certificates of registration; imposing fees and charges; providing for the use of such fees and charges; and prescribing penalties."

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 106, Acts 1959, page 592, approved August 26, 1959 (Title 46, Section 257(3), Code

of Alabama Recomplied 1958, 1963 Cumulative Pocket Part), entitled as aforesaid, is hereby amended to read as follows:

"Section 3. Certificates of qualification for applicants to be issued by boards of medical examiners, chiropractic examiners, etc.—It shall be the duty of the state board of medical examiners and the state board of chiropractic examiners, and the branch board issuing certificates of qualification in reference to those persons proposing to practice osteopathy or chiropody, to issue certificates of qualification to the state licensing board for the healing arts, certifying each applicant for a license who has successfully passed the examination given by any of said boards or whose application for license or certificate of qualification by reciprocity has been acted upon favorably by any of said boards, or whose application for certificate of qualification without examination has been acted upon favorably by any one of said boards, including application by or in behalf of physicians teaching in the medical college of Alabama or any other medical college in Alabama approved by the association of American medical colleges or the state board of medical examiners."

Section 2. Section 7 of Act No. 106, Acts 1959, page 592, approved August 26, 1959 (Title 46, Section 257(7), Code of Alabama Recomplied 1958, 1963 Cumulative Pocket Part,) entitled as aforesaid, is hereby amended to read as follows:

"Section 7. Application for license on certificate of qualification.—When any applicant for a license to practice the healing arts, as defined herein, or any branch thereof, has complied fully with all the requirements of the law regulating the practice of any specified branch of the healing arts, including all requirements of the basic science law, if the same are applicable by law to such branch of the healing arts, unless such applicant is exempt from said basic science law, the board in that particular branch of the healing arts shall issue a certificate of qualification to the state licensing board for the healing arts, certifying the qualification of such person as provided in Section 3, and thereafter such applicant may apply to the state licensing board for the healing arts for a license to practice the particular branch of the healing arts for which such certificate indicates his qualification. If the board finds that the applicant is of good moral character, and has been duly certified by a branch board as provided in Section 3 hereof, the board shall issue to such applicant a license unless it appears to the board that there is other good and reasonable cause for refusing to issue such license, it being the purpose and intent of this act to give the state licensing board for the healing arts an over all supervision, discretion and judgment with respect to the issuance of licenses authoriz-

ing the licensee to practice the healing arts or any branch thereof within the State of Alabama. The state licensing board for the healing arts shall have the power, and it shall be its duty, to inspect and determine for itself, and in the interest of the state, that each and every certificate of qualification issued by any board authorized by law to receive applications, conduct examinations and make preliminary determination of the qualification of any applicant for a license to practice the healing arts, or any branch thereof, was lawfully issued by such board and truly and correctly certifies all the facts therein contained.

"Each application for a license filed with the state licensing board for the healing arts shall be on forms prescribed by said board, and shall be accompanied by a fee of ten dollars (\$10.00)."

Section 3. The provisions of this Act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part that remains. Provided that the dean of said medical college or University shall have submitted in behalf of said applicant an application as follows.

"The dean in submitting said certificate of qualification shall submit in addition to the certificate and other information required a dossier on said applicant to include the following: name, residence of birth, all places of residence, race, religious beliefs, any convictions of any crimes, education showing institution degrees, medical training, degrees and experience, internships by years and place, any other honorary degrees or recognitions. The dean shall include any other remarks appropriate. The application shall contain a statement that said applicant is not now a member of the Communist Party in America nor of any other nation, nor of international communism, nor has ever been. In the event any applicant has been affiliated with or a member of any of the aforementioned groups then that fact, plus dates, activities and places of the activities shall be set out in detail on the application and filed with the board. The statement shall be signed by the said applicant under oath. The dean shall verify said records including the last statement upon 'information and belief'. Said record shall be public records and shall be submitted to the board and kept as permanent records for the use of the board and for public inspection for due cause."

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective after its passage and approval by the Governor, or its otherwise becoming a law, provided that two certain bills have been passed by the

Legislature and have been approved by the Governor, or have otherwise become a law, namely, a Bill to be Entitled an Act to amend Section 269 of Title 46, Code of Alabama 1940, and a Bill to be Entitled an Act to amend Section 21 of Act No. 107, Acts 1959, page 604, approved August 26, 1959 (Title 46, Section 257 (46), Code of Alabama Recompiled 1958, 1963 Cumulative Pocket Part).

Approved September 1, 1965.

Time: 7:14 P. M.

Act No. 671

S. 66—Clark

AN ACT

To amend Section 269 of Title 46, Code of Alabama 1940, to authorize the state board of medical examiners to issue certificates of qualification without examination in behalf of full time employed physicians teaching in medical colleges in Alabama, and to authorize said board to make rules and regulations with reference thereto, and to require a fee from such applicants, and to limit their practice.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 269 of Title 46, Code of Alabama 1940, is hereby amended to read as follows:

“S 269. Certain certificates issued without examination.—
(a) The state board of medical examiners may issue in behalf of a commissioned officer of the medical corps of the army, the navy, the air force, or the public health service of the United States a certificate of qualification without examination, provided that such commissioned officer presents to said board a commission or other satisfactory evidence showing that he is such medical officer; and may issue a certificate of qualification without examination in behalf of any one filing a certificate of proficiency issued by a national examining board accepted and approved by the board of medical examiners; but upon the face of the certificate so issued it shall appear that the certificate was issued *pro forma* and without examination.

(b) The state board of medical examiners may in its discretion and subject to rules and regulations promulgated by said board issue a certificate of qualification without examination in behalf of full time employed physicians teaching in the medical college of Alabama, or any other medical college in Alabama, approved by the association of American medical colleges or said board. The dean of the medical college located in this state shall be required to annually certify to the board the names of members of the college's faculty who have not

had issued in their behalf a certificate of qualification by said board and who in the opinion of said dean possess such qualifications as the board has or may prescribe including qualifications in the basic sciences, medical education and other qualifications. The dean in submitting said certificate of qualifications shall submit in addition to the certificate and other information required a dossier on said applicant to include the following: name, residence of birth, all places of residence, race, religious beliefs, any convictions of any crimes, education showing institution degrees, medical training, degrees and experience, internships by years and place, any other honorary degrees or recognitions. The dean shall include any other remarks appropriate. The application shall contain a statement that said applicant is not now a member of the Communist Party in America nor of any other nation, nor of international communism, nor has ever been. In the event any applicant has been affiliated with or a member of any of the aforementioned groups then that fact, plus dates, activities and places of the activities shall be set out in detail on the application and filed with the board. The statement shall be signed by the said applicant under oath. The dean shall verify said records including the last statement upon 'information and belief'. Said record shall be public records and shall be submitted to the board and kept as permanent records for the use of the board and for public inspection for due cause. If the said board concurs in the opinion of said dean the board may waive any requirement of examination, or citizenship, but such teacher applicants must be at least twenty-one years of age and of good moral character. Physicians having certificates issued hereunder must limit their practice to the confines of the medical center of which the medical college is a part, and as an adjunct to their teaching functions in such college. Certification will be automatically withdrawn and automatically expires without notice when full time employment is terminated. The state board of medical examiners shall make such rules and regulations as it considers necessary to carry out the purposes of this act. Certificates issued hereunder and licenses based thereon shall state on their face that such practice is limited to the confines of a particular medical center of which a certain medical college is a part and are issued pro forma without examination. Teaching physicians in whose behalf a certificate of qualification is issued hereunder shall be subject to having his certificate of qualification suspended or revoked by said board for the same causes or reasons and in the same manner as is provided by law in the case of other physicians. Such teaching physicians shall be required to pay to the said board the same amount of fees as are now or as may be required of applicants for a certificate by reciprocity."

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part that remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective after its passage and approval by the Governor, or its otherwise becoming a law, provided that two certain bills have been passed by the Legislature and have been approved by the Governor, or have otherwise become a law, namely, a Bill to be Entitled an Act to amend Section 21 of Act No. 107, Acts 1959, page 604, approved August 26, 1959 (Title 46, Section 257 (46), Code of Alabama Recompiled 1958, 1963 Cumulative Pocket Part), and a Bill to be Entitled an Act to amend Sections 3 and 7 of Act No. 106, Acts 1959, page 592, approved August 26, 1959 (Title 46, Sections 257(3), 257 (7), Code of Alabama Recompiled 1958, 1963 Cumulative Pocket Part).

Approved September 1, 1965.

Time: 6:12 P. M.

Act No. 672 S. 99—Metcalf, Givhan, Brannan, Allen, Nichols

AN ACT

To further promote the agricultural interests of the State by providing for the acquisition, establishment, equipment, operation, and maintenance of state farmers' markets; and to define the duties, powers, and authority of the Farmers' Market Authority in relation to such markets.

Be It Enacted by the Legislature of Alabama:

Section 1. Farmers' markets; Farmers' Market Authority to procure market sites.—There shall be established in the State of Alabama a Farmers' Market Authority with powers and duties to establish markets and to prevent waste of farm produce and truck crops, and such Authority is authorized and directed to procure by purchase, lease, rent, gift, or otherwise, as in its discretion it may see fit, necessary market sites in this State on which to conduct farmers' markets.

Section 2. Membership of Farmers' Market Authority.—The Farmers' Market Authority shall consist of the Commissioner of Agriculture and Industries, as Ex-officio Chairman, and eight (8) members selected, one (1) from each congressional district. Persons selected for membership on the Farmers' Market Authority shall be directly connected with agriculture by virtue of devoting a majority of their business activity to the production, processing, or distribution of agricultural

products. Members shall be appointed by the Governor of Alabama, and confirmed by the State Senate, with initial appointments of two (2) members to serve a six (6) year term, three (3) members to serve a four (4) year term, and three (3) members to serve a two (2) year term.

Section 3. Meetings of the Farmers' Market Authority.—The Farmers' Market Authority shall meet on the call of the Chairman, but in no instance shall more than twelve (12) meetings each year be authorized. In case of the absence of the Chairman, the Authority shall elect a temporary chairman. The rules generally adopted by deliberative bodies shall be observed by the Authority. No motion or resolution shall be adopted without the concurrence of a majority of the members of the Authority. The appointive members of the Authority shall receive a per diem of twenty-five dollars (\$25.00) per day and actual expenses occurred in attending meetings of the Authority, which expenses shall include support, maintenance, and transportation necessary or incident to such duties; provided they shall draw such per diem for no more than twenty (20) days in any fiscal year.

Section 4. Administrator of the Farmers' Market Authority.—It shall be the duty of the Farmers' Market Authority to appoint an Administrator who, under the supervision of the Authority, shall administer the provisions of this Act establishing the Farmers' Market Authority. He shall receive a salary of ten thousand dollars (\$10,000.00) per year, payable in equal monthly installments, and shall be allowed the same expenses in the performance of his duties as there is allowed other officials as prescribed by law. The Administrator, with the approval of the Authority, and subject to the State Merit System, shall appoint all necessary clerks, stenographers, inspectors, and other employees to enforce properly the marketing system. The Administrator shall act as manager, secretary, and custodian of all records unless the Authority shall otherwise order. The Administrator shall devote his entire time to said office. The Administrator, with the approval of the Authority, shall fix the duties of all employees of the Authority. The Administrator shall be at the time of his appointment a resident of the State of Alabama, and he shall have resided in the State for the last five (5) years continuously prior to his appointment.

Section 5. Establishment by Farmers' Market Authority; permit from municipality.—The Farmers' Market Authority shall have authority, when a site has been acquired by purchase, lease, rent, gift, or otherwise, to establish thereon a farmers' market, independent of and without the necessity of securing any permit from any municipality in which a site or sites may be located.

Section 6. Regulation of location; no right of eminent domain.—Any such market shall as to its location in any municipality be subject to any necessary or fair municipal zoning ordinances or fire or health regulations. This Act shall not be construed as conferring the right of eminent domain upon the Farmers' Market Authority.

Section 7. Powers of Farmers' Market Authority, as to regulations, grading, etc.—The Farmers' Market Authority is hereby authorized to make such rules and regulations as in its judgment may be necessary to conduct properly such farmers' market or markets, both wholesale and retail. The Farmers' Market Authority may provide experienced and competent persons to act as graders and classifiers on such markets. The Farmers' Market Authority shall have authority to prescribe and designate reasonable grades and classes for farm products, truck crops, fruits and vegetables, and to enforce the same in all markets in the State. The Farmers' Market Authority is hereby authorized to promulgate rules and regulations regulating or prohibiting the sale of cull produce or produce unfit for human consumption at any state farmers' market. Ripe peaches, cantaloupes, tomatoes, and other commodities of a similar nature, shall not be classed as cull produce when sold in Alabama for local consumption.

Section 8. Farmers' Market Authority to prescribe and collect charges.—The Farmers' Market Authority shall have the power and authority, in acquiring the sites for such market or markets and in conducting same, to prescribe and collect reasonable charges to pay the necessary costs of acquiring, operating, and maintaining such sites and markets; to erect the necessary buildings; and to conduct said markets as provided by law.

Section 9. Sale of articles unfit for food to be forbidden.—Whenever any farm products are found on any market in this State in such condition that they are unfit for food, it shall be the duty of the Administrator, or his duly authorized agent, to forbid the same from being sold in this State, the same as is now done with other food and feeds.

Section 10. Farmers' Market Authority to make and promulgate rules and regulations.—The Farmers' Market Authority is hereby empowered to make and promulgate such rules and regulations as in its judgment may be necessary to enforce the provisions of this Act. Such rules and regulations shall be promulgated by being posted, for a period of twenty-four (24) hours, in a conspicuous place in each market established under this Act, and when so promulgated shall have the force and effect of law.

Section 11. Ejection of persons from markets.—The Administrator, through his authorized agents, may eject from any such market, any person, and his property, refusing to comply with the provisions of this Act and the rules and regulations promulgated hereunder.

Section 12. Farmers' Market Authority authorized to establish and enforce grades of fruits, vegetables, truck crops.—The Farmers' Market Authority shall have authority not only to establish and promulgate necessary grades and classes of vegetables, fruits, and truck crops, but to enforce them in all of the markets of the State established under the provisions of this Act. The Authority shall have power to designate separate places on any market where fruits, vegetables, and truck crops of the different classes and grades shall be handled and kept separate.

Section 13. Farmers' Market Authority to fix and enforce minimum prices.—The Farmers' Market Authority is authorized to fix from time to time, as it may deem necessary, minimum prices on the different grades and classes, as herein provided for, and to enforce the same by not permitting any person to sell any fruits, vegetables, or truck crops, within the bounds of any market established hereunder, at a lower price than the minimum price fixed by such Authority.

Section 14. Facilities for exchange of products.—The Farmers' Market Authority is authorized and directed, when in its judgment it shall be advisable and necessary, to provide suitable means of communication between the Farmers' Market Authority and the farmers' market or markets established under this Act so as to facilitate the sale and exchange of farm products of all kinds.

Section 15. Funds from operation of markets allocated.—All funds collected under the operation of this Act shall be deposited in the state treasury to the credit of the agricultural fund, and shall be used solely for payment of the expenses of operation and maintenance, and liquidation of costs of construction, of such markets and facilities, and shall be paid out on warrants drawn by the State Comptroller on the state treasury, upon the authorization of the Administrator of the Farmers' Market Authority.

Section 16. When law not applicable to producer.—No provision of this Act shall be construed to apply to any producer of this State who sells his own produce direct to the consumer, outside of the state markets established hereunder.

Section 17. Leases of facilities by Farmers' Market Authority.—To assure the liquidation of the costs incurred in

the installation of facilities upon space at the farmers' markets, the Farmers' Market Authority is hereby authorized to enter into contracts whereby a person who has installed facilities upon space at the farmers' markets may lease such space as necessary for the operation of the facilities installed for a term of not to exceed ten (10) years. Such contract or lease, or both, shall contain provisions for the termination of such contract or lease, or both, upon the breach of the conditions therein or upon the failure to comply with the rules and regulations promulgated by the Authority. The venue of any action resulting from the termination of such a lease or contract, or both, shall be either in Montgomery County or the county in which such market is located.

Section 18. Local appropriations authorized.—The court of county commissioners, board of revenue or like governing body of any county, and the governing body of any municipality, are hereby authorized to make such appropriations as may, in their discretion, be deemed necessary or proper to assist in the establishment of farmers' markets under the provisions of this Act.

Section 19. Effective date.—This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 1, 1965.

Time: 6:48 P. M.

Act No. 673

S. 104—Cooper

AN ACT

To prescribe the time in which appeals may be made to the Supreme Court or to the Court of Appeals from decrees affecting the custody of children; and to provide that such cases so appealed shall be considered preferred cases.

Be It Enacted by the Legislature of Alabama:

Section 1. Appeals to the Supreme Court or to the Court of Appeals from judgments or decrees affecting the custody of children must be taken within sixty days from the date upon which such judgment or decree was rendered. Such cases on appeal shall be considered preferred cases.

Section 2. This Act shall become effective on the first day of the month following six months after its passage and approval by the Governor or after it otherwise becomes a law.

Approved September 1, 1965.

Time: 7:13 P. M.

AN ACT

To provide for the appointment, removal, and discharge of a legal representative to manage public assistance payments for certain public assistance applicants or recipients, and to prescribe the duties of such legal representative.

Be It Enacted by the Legislature of Alabama:

Section 1. If any otherwise qualified applicant for or recipient of public assistance appears to be incapable, physically or mentally, or both, of managing his public assistance payments, and has no legal guardian, he, his spouse, father, mother, child, brother or sister, with the consent of the department of pensions and security, or the department of pensions and security may petition the probate judge for the appointment of a legal representative to handle his public assistance payments only. The petition shall be accompanied by a certificate in writing of a physician which certificate shall state that the physician upon examination believes the applicant or recipient to be physically or mentally, or both, incapable of managing his public assistance payments. The probate judge shall conduct a hearing for the purpose of appointing a competent person as legal representative after notice of at least ten days in advance to the applicant or recipient, and within thirty days from receipt of the petition. If the probate judge finds that the allegations of the petition are supported by the evidence, he shall issue an order appointing a legal representative. Employees of the department of pensions and security are expressly prohibited from serving as such legal representatives. When a legal representative is appointed it shall be his duty to receive and disburse the recipient's assistance payments on his behalf and to make to the court a true and accurate account thereof annually or as often as required by the court. Funds in the hands of such legal representative shall be expended only for the purpose contemplated by this Act and only for the benefit of said public assistance recipient. The appointment of such legal representative shall not be considered as evidence of physical or mental incapacity in any other proceeding, and such appointment shall not be the basis for committing any person to any institution.

Section 2. The legal representative so appointed may be removed by the probate judge for failure to discharge his duties or at the request of the legal representative. Such representative, upon order of the court, shall make a settlement and a new competent legal representative shall be appointed by the judge with notice to the department of pensions and security. If an applicant or recipient appears capable of managing his

public assistance payments at any time after a legal representative has been appointed for him, the applicant or recipient or the legal representative with the approval of the department of pensions and security may apply in writing to the probate judge for the legal representative to be discharged. This application must be accompanied by a certificate in writing of a physician stating that after examination of such person he believes him to be capable of managing his public assistance payments. If the probate judge finds the allegations of the petition are supported by the evidence, he shall issue an order discharging the legal representative. Such representative, upon order of the court, shall make a settlement.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective on the first day of the month following six months after its passage and approval by the Governor or after it otherwise becomes a law.

Approved September 1, 1965.

Time: 7:12 P. M.

Act No. 675

S. 107—Cooper

AN ACT

To adopt the Interstate Compact On Juveniles, to authorize the Governor to execute the Compact with other states; to designate the Commissioner, State Department of Pensions and Security, as Compact Administrator and to empower him to make supplementary agreements and arrangements for cooperative services on the Compact.

Be It Enacted by the Legislature of Alabama:

Section 1. **Legislative Findings and Policy.** It is hereby found and declared: (1) that juveniles who are not under proper supervision and control, or who have absconded, escaped or run away, are likely to endanger their own health, morals and welfare, and the health, morals and welfare of others; (2) that the cooperation of this state with other states is necessary to provide for the welfare and protection of juveniles and of the people of this state.

It shall therefore be the policy of this state, in adopting the Interstate Compact on Juveniles, to cooperate fully with other states; (1) in returning juveniles to such other states whenever their return is sought; and (2) in accepting the return of juveniles whenever a juvenile residing in this state is found or apprehended in another state and in taking all measures to initiate proceedings for the return of such juveniles.

Section 2. Execution of Compact. The Governor is hereby authorized and directed to execute a compact on behalf of this state with any other state or states legally joining therein in the form substantially as follows:

"TEXT OF THE INTERSTATE COMPACT ON JUVENILES

"The contracting states solemnly agree:

"ARTICLE I—Findings and Purposes

"That juveniles who are not under proper supervision and control, or who have absconded, escaped or run away, are likely to endanger their own health, morals and welfare, and the health, morals and welfare of others. The cooperation of the states party to this compact is therefore necessary to provide for the welfare and protection of juveniles and of the public with respect to (1) cooperative supervision of delinquent juveniles on probation or parole; (2) the return, from one state to another, of delinquent juveniles who have escaped or absconded; (3) the return, from one state to another, of non-delinquent juveniles who have run away from home; and (4) additional measures for the protection of juveniles and of the public, which any two or more of the party states may find desirable to undertake cooperatively. In carrying out the provisions of this compact the party states shall be guided by the non-criminal, reformatory and protective policies which guide their laws concerning delinquent, neglected or dependent juveniles generally. It shall be the policy of the states party to this compact to cooperate and observe their respective responsibilities for the prompt return and acceptance of juveniles and delinquent juveniles who become subject to the provisions of this compact. The provisions of this compact shall be reasonably and liberally construed to accomplish the foregoing purposes.

"ARTICLE II—Existing Rights and Remedies

"That all remedies and procedures provided by this compact shall be in addition to and not in substitution for other rights, remedies and procedures, and shall not be in derogation of parental rights and responsibilities.

"ARTICLE III—Definitions

"That, for the purposes of this compact, "delinquent juvenile" means any juvenile who has been adjudged delinquent and who, at the time the provisions of this compact are invoked, is still subject to the jurisdiction of the court that has made such adjudication or to the jurisdiction or supervision of an agency or institution pursuant to an order of such court; "probation or parole" means any kind of conditional release of juveniles authorized under the laws of the states party hereto; "court"

means any court having jurisdiction over delinquent, neglected or dependent children; "state" means any state, territory or possessions of the United States, the District of Columbia, and the Commonwealth of Puerto Rico; and "residence" or any variant thereof means a place at which a home or regular place of abode is maintained.

"ARTICLE IV—Return of Runaways

"(a) That the parent, guardian, person or agency entitled to legal custody of a juvenile who has not been adjudged delinquent but who has run away without the consent of such parent, guardian, person or agency may petition the appropriate court in the demanding state for the issuance of a requisition for his return. The petition shall state the name and age of the juvenile, the name of the petitioner and the basis of entitlement to the juvenile's custody, the circumstances of his running away, his location if known at the time application is made, and such other facts as may tend to show that the juvenile who has run away is endangering his own welfare or the welfare of others and is not an emancipated minor. The petition shall be verified by affidavit, shall be executed in duplicate, and shall be accompanied by two certified copies of the document or documents on which the petitioner's entitlement to the juvenile's custody is based, such as birth certificates, letters of guardianship, or custody decrees. Such further affidavits and other documents as may be deemed proper may be submitted with such petition. The judge of the court to which this application is made may hold hearing thereon to determine whether for the purposes of this compact the petitioner is entitled to the legal custody of the juvenile, whether or not it appears that the juvenile has in fact run away without consent, whether or not he is an emancipated minor, and whether or not it is in the best interest of the juvenile to compel his return to the state. If the judge determines, either with or without a hearing, that the juvenile should be returned, he shall present to the appropriate court or to the executive authority of the state where the juvenile is alleged to be located a written requisition for the return of such juvenile. Such requisition shall set forth the name and age of the juvenile, the determination of the court that the juvenile has run away without the consent of a parent, guardian, person or agency entitled to his legal custody, and that it is in the best interest and for the protection of such juvenile that he be returned. In the event that a proceeding for the adjudication of the juvenile as a delinquent, neglected or dependent juvenile is pending in the court at the time when such juvenile runs away, the court may issue a requisition for the return of such juvenile upon its own motion, regardless of the consent of the parent, guardian, person or agency entitled to legal custody, reciting therein the nature and circumstances

of the pending proceeding. The requisition shall in every case be executed in duplicate and shall be signed by the judge. One copy of the requisition shall be filed with the compact administrator of the demanding state, there to remain on file subject to the provisions of law governing records of such court. Upon the receipt of a requisition demanding the return of a juvenile who has run away, the court or the executive authority to whom the requisition is addressed shall issue an order to any peace officer or other appropriate person directing him to take into custody and detain such juvenile. Such detention order must substantially recite the facts necessary to the validity of its issuance hereunder. No juvenile detained upon such order shall be delivered over to the officer whom the court demanding him shall have appointed to receive him, unless he shall first be taken forthwith before a judge of a court in the state, who shall inform him of the demand made for his return, and who may appoint counsel or guardian ad litem for him. If the judge of such court shall find that the requisition is in order, he shall deliver such juvenile over to the officer whom the court demanding him shall have appointed to receive him. The judge, however, may fix a reasonable time to be allowed for the purpose of testing the legality of the proceeding.

"Upon reasonable information that a person is a juvenile who has run away from another state party to this compact without the consent of a parent, guardian, person or agency entitled to his legal custody, such juvenile may be taken into custody without a requisition and brought forthwith before a judge of the appropriate court who may appoint counsel or guardian ad litem for such juvenile and who shall determine after a hearing whether sufficient cause exists to hold the person, subject to the order of the court, for his own protection and welfare, for such a time not exceeding 90 days as will enable his return to another state party to this compact pursuant to a requisition for his return from a court of that state. If, at the time when a state seeks the return of a juvenile who has run away, there is pending in the state wherein he is found any criminal charge, or any proceeding to have him adjudicated a delinquent juvenile for an act committed in such state, or if he is suspected of having committed within such state a criminal offense or an act of juvenile delinquency, he shall not be returned without the consent of such state until discharge from prosecution or other form of proceeding, imprisonment, detention or supervision for such offense or juvenile delinquency. The duly accredited officers of any state party to this compact, upon the establishment of their authority and the identity of the juvenile being returned, shall be permitted to transport such juvenile through any and

all states party to this compact, without interference. Upon his return to the state from which he ran away, the juvenile shall be subject to such further proceedings as may be appropriate under the laws of that state.

“(b) That the state to which a juvenile is returned under this Article shall be responsible for payment of the transportation costs of such return.

“(c) That “juvenile” as used in this Article means any person who is a minor under the law of the state of residence of the parent, guardian, person or agency entitled to the legal custody of such minor.

“ARTICLE V — Return of Escapees and Absconders

“(a) That the appropriate person or authority from whose probation or parole supervision a delinquent juvenile has absconded or from whose institutional custody he has escaped shall present to the appropriate court or to the executive authority of the state where the delinquent juvenile is alleged to be located a written requisition for the return of such delinquent juvenile. Such requisition shall state the name and age of the delinquent juvenile, the particulars of his adjudication as a delinquent juvenile, the circumstances of the breach of the terms of his probation or parole or of his escape from an institution or agency vested with his legal custody or supervision, and the location of such delinquent juvenile, if known, at the time the requisition is made. The requisition shall be verified by affidavit, shall be executed in duplicate, and shall be accompanied by two certified copies of the judgment, formal adjudication, or order of commitment which subjects such delinquent juvenile to probation or parole or to the legal custody of the institution or agency concerned. Such further affidavits and other documents as may be deemed proper may be submitted with such requisition. One copy of the requisition shall be filed with the compact administrator of the demanding state, there to remain on file subject to the provisions of law governing records of the appropriate court. Upon the receipt of a requisition demanding the return of a delinquent juvenile who has absconded or escaped, the court or the executive authority to whom the requisition is addressed shall issue an order to any peace officer or other appropriate person directing him to take into custody and detain such delinquent juvenile. Such detention order must substantially recite the facts necessary to the validity of its issuance hereunder. No delinquent juvenile detained upon such order shall be delivered over to the officer whom the appropriate person or authority demanding him shall have appointed to receive him, unless he shall first be taken forthwith before a judge of an appropriate court in the state, who

shall inform him of the demand made for his return and who may appoint counsel or guardian ad litem for him. If the judge of such court shall find that the requisition in is order, he shall deliver such delinquent juvenile over to the officer whom the appropriate person or authority demanding him shall have appointed to receive him. The judge, however, may fix a reasonable time to be allowed for the purpose of testing the legality of the proceeding.

"Upon reasonable information that a person is a delinquent juvenile who has absconded while on probation or parole, or escaped from an institution or agency vested with his legal custody or supervision in any state party to this compact, such person may be taken into custody in any other state party to this compact without a requisition. But in such event, he must be taken forthwith before a judge of the appropriate court, who may appoint counsel or guardian ad litem for such person and who shall determine, after a hearing, whether sufficient cause exists to hold the person subject to the order of the court for such a time, not exceeding 90 days, as will enable his detention under a detention order issued on a requisition pursuant to this Article. If, at the time when a state seeks the return of a delinquent juvenile who has either absconded while on probation or parole or escaped from an institution or agency vested with his legal custody or supervision, there is pending in the state wherein he is detained any criminal charge or any proceeding to have him adjudicated a delinquent juvenile for an act committed in such state, or if he is suspected of having committed within such state a criminal offense or an act of juvenile delinquency, he shall not be returned without the consent of such state until discharged from prosecution or other form of proceeding, imprisonment, detention or supervision for such offense or juvenile delinquency. The duly accredited officers of any state party to this compact, upon the establishment of their authority and the identity of the delinquent juvenile being returned, shall be permitted to transport such delinquent juvenile through any and all states party to this compact, without interference. Upon his return to the state from which he escaped or absconded, the delinquent juvenile shall be subject to such further proceedings as may be appropriate under the laws of that state.

"(b) That the state to which a delinquent juvenile is returned under this Article shall be responsible for the payment of the transportation costs of such return.

"ARTICLE VI — Voluntary Return Procedure

"That any delinquent juvenile who has absconded while on probation or parole, or escaped from an institution or agency vested with his legal custody or supervision in any state party

to this compact, and any juvenile who has run away from any state party to this compact, who is taken into custody without a requisition in another state party to this compact under the provisions of Article IV(a) or of Article V(a), may consent to his immediate return to the state from which he absconded, escaped or ran away. Such consent shall be given by the juvenile or delinquent juvenile and his counsel or guardian ad litem if any, by executing or subscribing a writing, in the presence of a judge of the appropriate court, which states that the juvenile or delinquent juvenile and his counsel or guardian ad litem, if any, consent to his return to the demanding state. Before such consent shall be executed or subscribed, however, the judge, in the presence of counsel or guardian ad litem, if any, shall inform the juvenile or delinquent juvenile of his rights under this compact. When the consent has been duly executed, it shall be forwarded to and filed with the compact administrator of the state in which the court is located and the judge shall direct the officer having the juvenile or delinquent juvenile in custody to deliver him to the duly accredited officer or officers of the state demanding his return, and shall cause to be delivered to such officer or officers a copy of the consent. The court may, however, upon the request of the state to which the juvenile or delinquent juvenile is being returned, order him to return unaccompanied to such state and shall provide him with a copy of such court order; in such event a copy of the consent shall be forwarded to the compact administrator of the state to which said juvenile or delinquent juvenile is ordered to return.

"ARTICLE VII — Cooperative Supervision of Probationers and Parolees

"(a) That the duly constituted judicial and administrative authorities of a state party to this compact (herein called "sending state") may permit any delinquent juvenile within such state, placed on probation or parole, to reside in any other state party to this compact (herein called "receiving state") while on probation or parole, and the receiving state shall accept such delinquent juvenile, if the parent, guardian or person entitled to the legal custody of such delinquent juvenile is residing or undertakes to reside within the receiving state. Before granting such permission, opportunity shall be given to the receiving state to make such investigations as it deems necessary. The authorities of the sending state shall send to the authorities of the receiving state copies of pertinent court orders, social case studies and all other available information which may be of value to and assist the receiving state in supervising a probationer or parolee under this compact. A receiving state, in its discretion, may agree to accept supervision of a probationer or parolee in cases where the parent, guardian or

person entitled to the legal custody of the delinquent juvenile is not a resident of the receiving state, and if so accepted the sending state may transfer supervision accordingly.

“(b) That each receiving state will assume the duties of visitation and of supervision over any such delinquent juvenile and in the exercise of those duties will be governed by the same standards of visitation and supervision that prevail for its own delinquent juveniles released on probation or parole.

“(c) That, after consultation between the appropriate authorities of the sending state and of the receiving state as to the desirability and necessity of returning such a delinquent juvenile, the duly accredited officers of a sending state may enter a receiving state and there apprehend and retake any such delinquent juvenile on probation or parole. For that purpose, no formalities will be required, other than establishing the authority of the officer and the identity of the delinquent juvenile to be retaken and returned. The decision of the sending state to retake a delinquent juvenile on probation or parole shall be conclusive upon and not reviewable within the receiving state, but if, at the time the sending state seeks to retake a delinquent juvenile on probation or parole, there is pending against him within the receiving state any criminal charge or any proceeding to have him adjudicated a delinquent juvenile for any act committed in such state or if he is suspected of having committed within such state a criminal offense or an act of juvenile delinquency, he shall not be returned without the consent of the receiving state until discharged from prosecution or other form of proceeding, imprisonment, detention or supervision for such offense or juvenile delinquency. The duly accredited officers of the sending state shall be permitted to transport delinquent juveniles being so returned through any and all states party to this compact, without interference.

“(d) That the sending state shall be responsible under this Article for paying the costs of transporting any delinquent juvenile to the receiving state or of returning any delinquent juvenile to the sending state.

“ARTICLE VIII — Responsibility for Costs

“(a) That the provisions of Articles IV (b), V (b) and VII (d) of this compact shall not be construed to alter or affect any internal relationship among the departments, agencies and officers of and in the government of a party state, or between a party state and its subdivisions, as to the payment of costs, or responsibilities therefor.

“(b) That nothing in this compact shall be construed to prevent any party state or subdivision thereof from asserting any right against any person, agency or other entity in regard

to costs for which such party state or subdivision thereof may be responsible pursuant to Articles IV (b), V (b) or VII (d) of this compact.

"ARTICLE IX — Detention Practices

"That, to every extent possible, it shall be the policy of states party to this compact that no juvenile or delinquent juvenile shall be placed or detained in any prison, jail or lockup nor be detained or transported in association with criminal, vicious or dissolute persons.

"ARTICLE X — Supplementary Agreements

"That the duly constituted administrative authorities of a state party to this compact may enter into supplementary agreements with any other state or states party hereto for the cooperative care, treatment and rehabilitation of delinquent juveniles whenever they shall find that such agreements will improve the facilities or programs available for such care, treatment and rehabilitation. Such care, treatment and rehabilitation may be provided in an institution located within any state entering into such supplementary agreement. Such supplementary agreements shall (1) provide the rates to be paid for the care, treatment and custody of such delinquent juveniles, taking into consideration the character of facilities, services and subsistence furnished; (2) provide that the delinquent juvenile shall be given a court hearing prior to his being sent to another state for care, treatment and custody; (3) provide that the state receiving such a delinquent juvenile in one of its institutions shall act solely as agent for the state sending such delinquent juvenile; (4) provide that the sending state shall at all times retain jurisdiction over delinquent juveniles sent to an institution in another state; (5) provide for reasonable inspection of such institutions by the sending state; (6) provide that the consent of the parent, guardian, person or agency entitled to the legal custody of said delinquent juvenile shall be secured prior to his being sent to another state; and (7) make provision for such other matters and details as shall be necessary to protect the rights and equities of such delinquent juveniles and of the cooperating states.

"ARTICLE XI — Acceptance of Federal and Other Aid

"That any state party to this compact may accept any and all donations, gifts and grants of money, equipment and services from the federal or any local government, or any agency thereof and from any person, firm or corporation, for any of the purposes and functions of this compact, and may receive and utilize, the same subject to the terms, conditions and regulations governing such donations, gifts and grants.

"ARTICLE XII — Compact Administrators

"That the governor of each state party to this compact shall designate an officer who, acting jointly with like officers of other party states, shall promulgate rules and regulations to carry out more effectively the terms and provisions of this compact.

"ARTICLE XIII — Execution of Compact

"That this compact shall become operative immediately upon its execution by any state as between it and any other state or states so executing. When executed it shall have the full force and effect of law within such state, the form or execution to be in accordance with the laws of the executing state.

"ARTICLE XIV — Renunciation

"That this compact shall continue in force and remain binding upon each executing state until renounced by it. Renunciation of this compact shall be by the same authority which executed it, by sending six months notice in writing of its intention to withdraw from the compact to the other states party hereto. The duties and obligations of a renouncing state under Article VII hereof shall continue as to parolees and probationers residing therein at the time of withdrawal until retaken or finally discharged. Supplementary agreements entered into under Article X hereof shall be subject to renunciation as provided by such supplementary agreements, and shall not be subject to the six months' renunciation notice of the present Article.

"ARTICLE XV — Severability

"That the provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person or circumstances is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstances shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters."

Section 3. Juvenile Compact Administrator. The Commissioner of the State Department of Pensions and Security shall be the Compact Administrator and, acting jointly with like officers of other party states, shall promulgate rules and

regulations to carry out more effectively the terms of the compact. The Compact Administrator is hereby authorized, empowered and directed to cooperate with all departments, agencies and officers of and in the government of this state and its subdivisions in facilitating the proper administration of the compact or of any supplementary agreement or agreements entered into by this state hereunder.

Section 4. Supplementary Agreements. The Compact Administrator is hereby authorized and empowered to enter into supplementary agreements with appropriate officials of other states pursuant to the compact. In the event that such supplementary agreement shall require or contemplate the use of any institution or facility of this state or require or contemplate the provision of any service by this state, said supplementary agreement shall have no force or effect until approved by the head of the department or agency under whose jurisdiction said institution or facility is operated or whose department or agency will be charged with the rendering of such service.

Section 5. Financial Arrangements. The Compact Administrator may make or arrange for any payments necessary to discharge any financial obligations imposed upon this state by the compact or by any supplementary agreement entered into thereunder.

Section 6. Responsibilities of State Departments, Agencies and Officers. The courts, departments, agencies and officers of this state and its subdivisions shall enforce this compact and shall do all things appropriate to the effectuation of its purposes and intent which may be within their respective jurisdictions.

Section 7. Additional Procedures Not Precluded. In addition to any procedure provided in Articles IV and VI of the compact for the return of any runaway juvenile, the particular states, the juvenile or his parents, the courts, or other legal custodian involved may agree upon and adopt any other plan or procedure legally authorized under the laws of this state and the other respective party states for the return of any such runaway juvenile.

Section 8. All laws or parts of laws which conflict with the provisions of this Act are hereby repealed.

Section 9. This Act shall become effective on October 1, 1965.

Approved September 1, 1965.

Time: 6:14 P. M.

Act No. 676

S. 108—Cooper

AN ACT

To amend Section 20, Act No. 703, Acts of Alabama 1951, page 1211 (1223), approved September 5, 1951, by extending the penalty for false representation to include surplus commodities and other benefits administered by the Department of Pensions and Security.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 20, Act No. 703, Acts of Alabama 1951, page 1211 (1223), approved September 5, 1951 is hereby amended to read as follows:

"Section 20—Any person who by means of a false statement knowing it to be false, or by wilful misrepresentation, impersonation or other fraudulent device obtains or attempts to obtain or aids or abets any person in obtaining a public assistance grant, surplus commodities or other benefits administered by the Department of Pensions and Security to which such person is not entitled or a larger amount than that to which he is justly entitled, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than five hundred dollars and may be sentenced to hard labor for the county for not exceeding twelve months, or both."

Section 2. This Act shall take effect immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 1, 1965.

Time: 6:13 P. M.

Act No. 677

S. 120—Carter

AN ACT

To amend Code of Alabama 1940, Title 30, Section 3 which relates to persons exempt from jury duty.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1940, Title 30, Section 3 as amended, is amended further to read as follows:

"Section 3. The following persons are exempt from jury duty, unless by their own consent: Judges of the several courts; attorneys at law during the time they practice their profession; officers of the United States; officers of the executive department of the state government; sheriffs and their deputies; clerks of the courts and county commissioners; regularly licensed and practicing physicians; dentists; pharmacists; optometrists;

veterinarians; teachers while actually engaged in teaching; actuaries while actually engaged in their profession; officers and regularly licensed engineers of any boat plying the waters of this state; passenger bus driver-operators, and driver-operators of motor vehicles hauling freight for hire under the supervision of the Alabama public service commission; railroad engineers, locomotive firemen, conductors, train dispatchers, bus dispatchers, railroad station agents, and telegraph operators, when actually in sole charge of an office; newspaper reporters while engaged in the discharge of their duties as such; regularly licensed embalmers while actually engaged in their profession; radio broadcasting engineers and announcers when engaged in the regular performance of their duties; the superintendents, physicians, and all regular employees of the Bryce hospital in Tuscaloosa county and the Searcy hospital in Mobile county; officers and enlisted men of the national guard and naval militia of Alabama, during their terms of service and convict and prison guards while engaged in the discharge of their duties as such."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 1, 1965.

Time: 7:11 P. M.

Act No. 678

S. 216—Dumas, Clark, Cooper

AN ACT

To provide for the acquisition, financing and leasing of prison and correctional facilities; to authorize the Governor, the Commissioner of Corrections, the Director of Finance, the Lieutenant Governor and the Attorney General to become a public corporation to be known as Alabama Corrections Institution Finance Authority; to provide the procedure for incorporation, to designate the members, directors and officers of the Authority; to prescribe the powers of the Authority, including the power to provide for the construction, reconstruction, improvement, alteration and equipment of prisons, correctional institutions, buildings and facilities and the acquisition of sites therefor, the power of eminent domain, and the power to sell and issue not exceeding \$5,500,000 principal amount of bonds for such purposes; to make temporary loans; to authorize the issuance of refunding bonds; to provide for the investment of the proceeds from the sale of the bonds of the Authority; to provide that all properties of the Authority and the income therefrom and all bonds issued and the income therefrom and all leases made and all lien notices filed shall be exempt from all taxation in the State of Alabama; to provide that such bonds shall constitute negotiable instruments; to provide that such bonds shall be payable solely out of revenues of the Authority and shall not create an obligation or debt of the State; to provide that any bonds issued by the Authority may be used as security for deposits and investment of public funds and

fiduciary funds; to specify the application of the proceeds of the bonds of the Authority; to provide for the construction and equipment of buildings and facilities; to authorize the conveyance to said Authority of lands owned by the State; to authorize the sale or lease of lands conveyed by the State and the use of sale or rental proceeds to construct, reconstruct, or equip buildings or facilities, herein authorized, or to pay bonds issued for such purpose; to authorize the Authority to pledge its revenues and receipts to pay the principal of and interest on its bonds; to authorize the filing for record of an instrument reciting the issuance of said bonds and the creation of said pledge as a lien on said revenues which filing will constitute constructive notice; to provide that the State Treasurer shall be the custodian of the funds of the Authority; to provide for the lease by the Authority of its buildings and facilities to the Board of Corrections, and to others; to provide for the lease by the Board of Corrections and other State agencies of prison and correctional buildings and facilities from the Authority; to authorize the publication of notice of the resolution authorizing any bonds, pledges and covenants and to specify a limitation of time thereafter for actions or defenses respecting said bonds, pledges and covenants; and to provide for dissolution of said Authority and conveyance of its assets and properties to the State upon payment of said bonds; and to grant authority and provide restrictions incidental to the performance of the foregoing.

Be It Enacted by the Legislature of Alabama:

Section 1. Legislative Intent. It is the intent of the Legislature by the passage of this Act to authorize the incorporation of the Governor, the Commissioner of Corrections, the Director of Finance, the Lieutenant Governor and the Attorney General as a public corporation for the purposes of acquiring land, constructing, and leasing correctional institutions, buildings and facilities, and disposing of the Kilby property by sale or lease, and to vest such corporation with all powers, authority, rights, privileges and titles that may be necessary to enable it to accomplish such purpose. This Act shall be liberally construed in conformity with the purpose just stated.

Section 2. Definitions. The following terms, wherever used in this Act, shall have the following respective meanings unless the context clearly indicates otherwise;

“Authority” means the public corporation organized pursuant to the provisions of this Act.

“Board” means the Board of Corrections provided for by Act No. 202, General Laws of Alabama, approved July 17, 1953 (Acts of 1953, pp. 267, et seq.) (Code of Alabama, Recompiled 1958, Title 45, Section 10 (1) to 10 (8) and its successors as the agency of the State for supervising and controlling the operation of the correctional institutions of the State.

“Commission” means the Building Commission created by Act No. 128, General Laws of Alabama, approved June 16, 1945 (1945 Acts, pp. 116, et seq.) (Code of Alabama, Recompiled 1958, Title 55, Section 367 (1) to 367 (6) and its successors as

the State agency for awarding construction contracts and supervising construction.

“State” means the State of Alabama.

“Bonds” means the bonds issued under the provisions of this Act.

“Facilities” means and shall include any one or more of the following: prisons; buildings and enclosures for housing, containing or supervising prisoners; any facilities necessary or useful in connection with such prisons, buildings or enclosures, including, without limiting the generality of the foregoing, hospitals, offices, correctional officers’ quarters and residences, warehouses, garages, storage facilities, abattoirs, cold storage plants, canning plants, laundries and manufacturing plants for the employment of prison labor.

“Kilby Property” means and shall include all of the real property commonly referred to as Kilby Prison Property embracing not only the real property owned by the state on which Kilby Prison is located, but also all real property owned by the state used in connection with Kilby Prison and adjacent thereto, all located in Sections 2, 3, 10, 11, 21, 22, 26, 27, 28, 29, 30, 33, 34 and 35 in Township 17, Range 18 in Montgomery County, Alabama, together with all personal property owned by the state and used in connection with Kilby Prison and the real property adjacent thereto.

Pronouns when used in this Act shall include all applicable genders.

Section 3. Power to Incorporate. The Governor, the Commissioner of Corrections, the Director of Finance, the Lieutenant Governor and the Attorney General may become a public corporation with the power and authority hereinafter provided, by proceeding according to the provisions of this Act.

Section 4. Provisions for Incorporation. To become a corporation, the Governor, the Commissioner of Corrections, the Director of Finance, the Lieutenant Governor and the Attorney General shall present to the Secretary of State of Alabama an application signed by them which shall set forth: (1) the name, official designation, and official residence of each of the applicants, together with a certified copy of the document evidencing each applicant’s right to office; (2) the date on which each applicant was inducted into office and the term of office of each of the applicants; (3) the name of the proposed corporation, which shall be the “Alabama Corrections Institution Finance Authority;” (4) the location of the principal office of the proposed corporation; and (5) any other matter relating to the

incorporation which the applicants may choose to insert and which is not inconsistent with this Act or the laws of the State of Alabama. The application shall be subscribed and sworn to by each of the applicants before an officer authorized by the laws of this state to take acknowledgments to deeds. The Secretary of State shall examine the application and, if he finds that it substantially complies with the requirements of this section, he shall receive and file it and record it in an appropriate book of records in his office.

Section 5. Consummation of Incorporation.—When the application has been made, filed and recorded as provided in the preceding section, the Secretary of State shall make and issue to the applicants a certificate of incorporation pursuant to this Act, under the Great Seal of the State, and shall record the certificate with the application, whereupon the applicants shall constitute a public corporation and agency of the State under the name proposed in the application. There shall be no fees paid to the Secretary of State for any work done in connection with the incorporation or dissolution of the Authority.

Section 6. Members, Directors and Officers of the Authority.—The applicants named in the application and their respective successors in office shall constitute the members of the Authority. The Governor shall be the president of the Authority, the Commissioner of Corrections shall be the vice-president of the Authority, and the Director of Finance shall be the secretary of the Authority. The State Treasurer shall be the treasurer and custodian of the funds of the Authority but shall not be a member of the Authority. The members of the Authority shall constitute all the members of the board of directors of the Authority, which shall be the governing body of the Authority. A majority of the members of the said board of directors shall constitute a quorum for the transaction of business. Should any person holding any state office named in this section cease to hold such office by reason of death, resignation, expiration of his term of office, or for any other reason, then his successor in office shall take his place as a member, officer, or director, as the case may be, of the Authority. No member, officer, or director of the Authority shall draw any salary in addition to that now authorized by law for any service he may render or for any duty he may perform in connection with the Authority. All resolutions adopted by the board of directors shall constitute actions of the Authority, and all proceedings of the board of directors shall be reduced to writing by the secretary of the Authority, shall be signed by the members of the Authority, and shall be recorded in a substantially bound book and filed in the office of the Secretary of State. Copies of such proceedings, when certified by the secretary of the Authority, under the seal

of the Authority, shall be received in all courts as prima facie evidence of the matters and things therein certified.

Section 7. Powers of the Authority. The Authority shall have the following powers among others specified in this Act: (1) to have succession in its corporate name until the principal of and interest on all bonds issued by it shall have been fully paid; (2) to sue and be sued and to prosecute and defend, at law or in equity, in any court having jurisdiction of the subject matter and of the parties thereof; (3) to have and to use a corporate seal and to alter such seal at pleasure; (4) to establish a fiscal year; (5) to acquire and hold title to real and personal property and to sell, convey or lease the same as hereinafter provided; (6) to provide for the construction, reconstruction, alteration and improvement of facilities, and for the procurement of sites and equipment for such facilities and for the lease thereof; (7) to anticipate by the issuance of its bonds as hereinafter limited the receipt of the rent and revenues from such facilities and from the net rent and sale proceeds of the Kilby Property; (8) as security for the payment of the principal of and interest on its bonds, to enter into any lawful covenant and to pledge the rents and revenues from such facilities and from the net rent and sale proceeds of the Kilby Property; (9) to invest as hereinafter provided the proceeds from the sale of its bonds pending need therefor; and (10) to appoint and employ such attorneys, agents and employees as the business of the Authority may require, subject to the merit system where applicable.

Section 8. Power of Condemnation. The Authority shall have the same power of eminent domain as the State. Such power shall be exercised in the same manner and under the same conditions as is provided by law for the exercise of the power of eminent domain by the State.

Section 9. Authorization of Bonds. For the purpose of providing funds for the acquisition of sites, for the construction, reconstruction, alteration and improvement of facilities, for the procurement of equipment therefor, and for payment of obligations incurred or temporary loans made for any of said purposes, the Authority is hereby authorized, from time to time, to sell and issue its bonds, not exceeding in the aggregate principal amount, however, Five Million Five Hundred Thousand Dollars (\$5,500,000) which said principal amount shall, however, be reduced by the amount of the net proceeds from the sale or rental of all or any part of the Kilby Property, received at or prior to the time the last of the bonds herein authorized shall be issued.

Section 10. Temporary Financing. In anticipation of issuance of bonds hereunder, the Authority may borrow such sums as may be needed, not exceeding Five Hundred Thousand

Dollars (\$500,000) for the aforesaid purposes and obligate itself by certificate or promissory note, bearing interest at a rate or rates not exceeding 4 per cent per annum and maturing within one (1) year from date. Said certificates or promissory notes shall be payable solely from bond proceeds and from funds from which bonds are payable.

Section 11. Refunding Bonds. The Authority may from time to time sell and issue its refunding bonds for the purpose of refunding any matured or unmatured bonds of the Authority at the time outstanding and any premiums necessary to be paid to redeem any bonds so to be refunded. Such refunding bonds shall be subrogated and entitled to all priorities, rights and pledges to which the bonds refunded thereby were entitled.

Section 12. Execution of the Bonds, Certificates and Notes. The bonds, certificates and promissory notes of the Authority shall be signed by either its president or its treasurer as shall be provided in the resolution under which such securities shall be issued, and the seal of the Authority shall be affixed to any bonds so issued and attested by its secretary; provided, that a facsimile of the signature of one, but not both, of the officers whose signatures will appear on the bonds may be imprinted or otherwise reproduced on any of the bonds in lieu of his manually signing the same; and provided further, that a facsimile of the seal of the Authority may be imprinted or otherwise reproduced on any of the bonds in lieu of being manually affixed thereto. Any interest coupons applicable to the bonds shall be signed with a facsimile of the signature of either the president or the treasurer as shall be provided in the resolution under which the bonds shall be issued. If, after any of the bonds or interest coupons thereunto appertaining shall be so signed, whether manually or by facsimile, any such officer shall for any reason vacate his said office, the bonds and interest coupons so signed may nevertheless be delivered at any time thereafter as the act and deed of the Authority.

Section 13. Specifications of Bonds. Any bonds of the Authority may be executed and delivered by it at any time and from time to time, shall be in such form and denominations and of such tenor and maturities, shall bear such rate or rates of interest, payable and evidenced in such manner, may contain provisions for redemption prior to maturity, and may contain other provisions not inconsistent herewith, all as may be provided by the resolution of the board of directors whereunder such bonds are authorized to be issued; provided, that no bond of the Authority shall have a specified maturity date later than twenty years after its date. Each bond of the Authority having a specified maturity date more than ten years after its date shall

be made subject to redemption at the option of the Authority at the end of the tenth year after its date, and on any interest payment date thereafter, under such terms and conditions as may be provided in the resolution under which such bond is authorized to be issued. In the event that the Authority shall make more than one pledge of the same revenues, such pledges shall, unless otherwise provided in the resolution or resolutions authorizing the earlier issued bonds, take precedence in the order of the adoption of the resolutions in which the pledges are made; provided, that each pledge for the benefit of refunding bonds shall have the same priority as the pledge for the benefit of the bonds refunded thereby.

Section 14. Public Sale of Bonds. Bonds of the Authority may be sold from time to time as the board of directors may deem advantageous, but only at public sale, either on sealed bids or at public auction, to the bidder whose bid reflects the lowest net interest cost to the Authority for the bonds being sold, computed to their respective maturities; provided, that if no bid acceptable to the Authority is received, it may reject all bids. Notice of each such sale shall be given by publication in either a financial journal or a financial newspaper published in the City of New York, New York, and also by publication in a newspaper published in the State of Alabama, each of which notices must be published at least one time not less than ten days before the date for the sale. The board of directors may fix the terms and conditions under which such sale may be held; provided, that none of the bonds may be sold for a price less than the face value thereof plus accrued interest thereon to the date of delivery thereof; and provided, further, that such terms and conditions shall not conflict with any of the requirements of this Act. The Authority may pay out of the proceeds of the sale of its bonds all expense, including publication and printing charges, attorneys' fees, and other expenses which said board of directors may deem necessary and advantageous in connection with the authorization, advertisement, sale, execution and issuance of such bonds. Neither a public hearing nor consent of the State Department of Finance or any other department or agency of the State shall be a prerequisite to the issuance or sale of bonds by the Authority.

Section 15. Investment of Proceeds from Sale of Bonds—Any portion of the principal proceeds derived from the sale of the bonds which the board of directors of the Authority may determine is not then needed for any of the purposes for which the bonds are authorized to be issued shall, on order of the Authority, be invested by the State Treasurer in any securities which are direct and general obligations of the United States of America, or the principal of and interest on which are unconditionally and irrevocably guaranteed by the United States of

America. Any such securities may, at any time and from time to time on order of the Authority, be sold or otherwise converted by the State Treasurer into cash. The income derived from any such investments shall be disbursed on order of the Authority for any purpose for which it may lawfully expend funds.

Section 16. Exemption from Taxation.—The properties of the Authority and the income therefrom, all lease agreements made by the Authority, and all bonds issued by the Authority and the coupons applicable thereto and the income therefrom and all lien notices with respect thereto shall be forever exempt from any and all taxation in the State of Alabama.

Section 17. Bonds and Coupons Constitute Negotiable Instruments.—All bonds issued by the Authority, while not registered, shall be construed to be negotiable instruments even though they are payable from a limited source. All coupons applicable to any bonds issued by the Authority, while the applicable bonds are not registered as to both principal and interest, shall likewise be construed to be negotiable instruments although payable from a limited source.

Section 18. Obligations Not a Debt of the State. All obligations incurred by the Authority and all bonds, notes and certificates issued by it shall be solely and exclusively an obligation of the Authority, payable solely from the revenues and income which may under the provisions of this Act be pledged to the payment thereof. No obligation incurred by the Authority and no bond, note or certificate shall create an obligation or debt of the State.

Section 19. Bonds of the Authority Lawful Security for State Deposits and Lawful Investment for Fiduciary Funds. Any bonds issued by the Authority may be used by the holders thereof as security for deposits of any funds belonging to the State or to any instrumentality, agency or political subdivision of the State in any instance where security for such deposits may be required or permitted by law. Any surplus in any State fund and any retirements or trust fund, where the investment thereof is permitted or required by law, may be invested in bonds issued by the Authority. Unless otherwise directed by the court having jurisdiction thereof, or the document which is the source of authority, a trustee, executor, administrator, guardian, or one acting in any other fiduciary capacity may, in addition to any other investment powers conferred by law and with the exercise of reasonable business prudence, invest trust funds in the bonds of the Authority.

Section 20. Use of Proceeds From Sale of Bonds. All proceeds derived from the sale of any bonds (except refunding

bonds) sold by the Authority, remaining after payment of the expenses of issuance thereof, and the proceeds of all temporary loans shall be turned over to the State Treasurer, shall be carried by him in a special account to the credit of the Authority, and shall be subject to be drawn on by the Authority, solely for the purposes of acquiring land for and constructing, reconstructing and equipping one or more facilities and all reasonable and necessary expenses incidental thereto, including interest which shall accrue on said bonds or said temporary loans during the construction of said facilities and for a period not exceeding six months thereafter. Any balance of said proceeds thereafter remaining shall, unless required for the construction of other facilities by the Authority within six months after completion of the facilities for which the bonds were issued and upon the payment of all costs in connection therewith, be set aside as additional security for the bonds or used to redeem bonds as may be provided in the proceedings authorizing the issuance of the bonds. The reasonable and necessary expenses incident to the construction of any facility shall, if deemed advisable by the Authority, include all or any part of the expense of providing temporary facilities during the construction of such new facility for any penal or correctional institution facility which is demolished or rendered unserviceable as such. All proceeds from the sale of refunding bonds issued by the Authority remaining after paying the expenses of their issuance shall be used only for the purpose of refunding the principal of bonds of the Authority theretofore issued under this Act and then outstanding and of paying any premium that may be necessary to be paid in order to redeem or retire the bonds to be refunded.

Section 21. Construction of Facilities. All facilities constructed by the Authority shall be constructed according to plans and specifications of architects or engineers, or both, selected by the Board. Such plans and specifications shall be approved by the Board and by the Commission. All work in the construction of facilities or any part thereof which is determined by the Commission to be suitable and proper for construction by prison labor under force account shall be performed by such prison labor under such supervision and directions as shall be ordered by the Board. All construction of facilities or any part thereof which the Commission shall determine not to be suitable and proper for construction by prison labor shall be done under the supervision and direction of the Commission following award for each part of the work to the lowest responsible bidder after advertising for, receipt and public opening of sealed bids. Each such invitation for bids and the bidding documents applicable thereto shall be so arranged that any alternates shall constitute cumulative deductions from the base bid, rather than

additions thereto, and in determining the lowest bidder, if funds are insufficient to construct the facility on the lowest base bid, then the Commission may proceed to consider the bids upon the basis of the base bids of all bidders minus the respective reductions stated for the first alternate, and if the lowest bid so determined is not then within the funds available, the Commission shall proceed to consider the base bid minus the first and second alternates together to determine the lowest bid, and in like manner throughout all alternates, if need be, so that in no event shall there be any discretion as to which alternate or alternates will be used in determining the lowest responsible bidder. If no bid deemed acceptable by the Commission and the Authority is received all bids may be rejected, in which event bids may again from time to time be invited and acted on as provided in this section. All such contracts shall be lump sum contracts. All contracts for the entire work on a facility shall be awarded at the same time but notice to proceed may be withheld until prior work under another contract has progressed to a point where the joint or following work can best be coordinated for the earliest completion of the entire project in a sound and workmanlike manner. Each contract shall be executed by the Authority upon the determination of the Commission as to the lowest bidder. Payments made by the Authority under the construction contracts shall be upon the contractor's written sworn request only if endorsed as approved by the Commission or in any lesser amount the Commission shall endorse as having been then earned on said contract. After the contracts for a facility have been awarded such construction cost estimate shall be revised and all extras on the contracts shall be awarded within the funds available. The Authority shall pay to the Commission as a part of the cost of constructing the facility such sums for the services of its employees as may be mutually agreed between the Board and the Commission.

Section 22. Conveyance to Authority by State. The Governor of the State is authorized to execute and deliver immediately before or simultaneously with the issuance of the first bonds of the Authority an appropriate deed or deeds conveying to the Authority (a) the Kilby Property and (b) any unimproved real property belonging to the State in any county which the Board determines to be needed by the Authority for the construction of facilities. Upon delivery of such deed to the Authority it thereby shall be invested with all right and title that the State of Alabama had in the property conveyed thereby, subject to the right of reverter to the State of all such property except such parts of the Kilby Property as shall be sold as herein authorized, upon the dissolution of the Authority. The Authority shall be entitled to immediate possession of all such unimproved real property upon execution of the deed thereto

but it shall not have the right to possession of the Kilby Property or any portion or parcel thereof until such time or times as the Board shall determine that such property or a portion or parcel is not required by it for penal or correctional use. The consideration for said conveyance shall be the Authority's agreement to reconvey to the State all said real property, except portions of the Kilby Property which have been disposed of, with all improvements thereon, free of charge, immediately before the dissolution of the Authority. Since the State will receive back in free rent or earlier reconveyance of facilities the full value of the Kilby Property and since other real property to be conveyed to and utilized by the Authority would otherwise remain unimproved, said consideration is hereby conclusively determined to be valuable, adequate and fair. Immediately prior to its dissolution, the Authority shall also convey to the State all other assets acquired by the Authority, whether by purchase, gift, grant, or otherwise, provided the terms of the grant are not violated thereby.

Section 23. Sale or Lease by the Authority of Kilby Property. The Authority shall have the power and authority to sell and convey or to lease all or any part of the Kilby Property and, as an aid to such sale or lease, to cause to be prepared by competent real estate experts a land use map and plan. No such sale or lease shall be made, however, except at public offering, on sealed bids or at auction, and upon such published notice as the Authority shall determine to be necessary or desirable in order to attract the greatest interest from prospective bidders. Notice of any public sale or lease shall in any event, be given by publication in at least three newspapers of general circulation published in the State at least three times, the first notice to be published not less than 60 days before the date of such public offering, the second notice to be published not less than 30 days nor more than 40 days before such public offering, and the third notice to be published not less than 10 days nor more than 20 days before such public offering. The award of any property offered for sale or lease shall be made to the highest responsible bidder unless all bids shall be rejected as inadequate and other public offering shall be made upon notice republished as before. Any sale shall be for all cash or at least one third cash and the balance payable in not exceeding three years, bearing interest at such rate or rates and payable in such manner as may be specified by the Authority, and secured by a purchase money mortgage. Each deed or lease to effectuate any such sale or lease shall be signed in the name of the State by the Governor and the Great Seal of the State shall be affixed thereto and attested by the Secretary of State. The proceeds of the sale of any such property shall be used first to pay the reasonable and necessary expenses

of sale and the balance remaining shall be paid to the State Treasurer and held by him in the special account for the acquiring of land for, and the constructing, reconstructing and equipping of, one or more facilities or, in the event that all bonds herein authorized shall have been issued, for the payment of the principal of or interest on bonds and the redemption price thereof. The principal amount of bonds herein authorized to be issued shall be reduced by the total of the amounts so deposited in such special account prior to the issuance of all such bonds.

Section 24. Leases of Facilities between The Authority and State Agencies. The Authority is hereby authorized to enter into a lease or leases of any one or more facilities constructed by the Authority under the provisions of this Act to and with the Board and any other agency, board, commission, bureau or department of the State which may be charged with the responsibility for the operation of any of the penal or correctional institutions of the State. The Board, and any such other agency, board, commission, bureau or department of the State and each of them are hereby authorized to lease any such facilities from the Authority. No such lease shall, however, be for a term longer than the then current fiscal year of the State, but any such lease may contain a grant to the State or its agency of successive options of renewing said lease on the terms specified therein for any subsequent fiscal year or years of the State; provided that liability for the payment of rent shall never be for a term longer than one fiscal year. Rent payment by the State or any of its agencies shall be due in advance on the first day of the fiscal year and shall, upon being so paid, entitle the state or such agency to quiet possession of the facilities leased for the remainder of such fiscal year. The rent for each fiscal year during which said lease agreement shall be in effect shall be due in advance on the first day of the fiscal year, and said rent for such fiscal year shall be payable, and any such covenant on the part of the State or any of its agencies shall be performed, solely out of the current revenues of the State for such fiscal year. The rent payable and the covenants to be performed by the State or any of its agencies under the provisions of said lease shall never create a debt of the State within the meaning of the constitution. In the event that there shall be any default in the payment of any rent required to be paid or in the performance of any covenant required to be performed by the State or any of its agencies under the provisions of any such lease, while such lease is in effect, the Authority and any pledges of such lease may, by any appropriate proceedings at law or in equity, instituted within the time permitted by law, enforce and compel the payment of such rent and the performance of such covenants. No free use shall be made of any facilities of the Authority so

long as the principal of or interest on any bonds, including refunding bonds, issued by the Authority remains unpaid. In the event that any facility of the Authority should become vacant or not be used by the State or one of its agencies, then neither the State nor any agency, board, bureau, commission, public corporation or department of the State shall rent, purchase, acquire, construct or lease any facility for penal or correctional use or renew any lease of any facility for penal or correctional use, nor shall it use any such facility other than those of the Authority, so long as any facility of the Authority shall remain vacant or unused.

Section 25. Lease of Facilities to Others Than State Agencies. If at any time any facility constructed by the Authority is, or is about to be, vacant or unused, and no agency of the State has in effect a lease for such facility for the current fiscal year of the State, then, but only in such event, in order to prevent default on its bonds and coupons, the Authority is hereby authorized to enter into leases of such facilities with any county or municipal corporation or other public body in the State or with any agency of the federal government. Any such lease with any such public authority shall not be for the purpose of lending public credit but shall be solely to avoid default on the Authority's bonds and to insure the prompt payment of the principal thereof and interest thereon when due.

Section 26. Security for Bonds. The principal of and interest on the Bonds shall be secured by a pledge of any or all of the following receipts, as the Authority may determine:

(a) The rent and revenue for the use of one or more facilities of the Authority;

(b) The net rent or sale proceeds from the Kilby Property;

(c) Any bond proceeds remaining unexpended upon completion of all facilities to be constructed with such bond proceeds, and the payment of the cost thereof;

(d) Any insurance proceeds which the Authority may receive by reason of its ownership of any of the facilities. The Authority shall have authority to transfer and assign any lease of any of the facilities and any lease or mortgage of the Kilby Property as security for the payment of such principal and interest. The Bonds may be issued under and secured by a resolution which may, but need not, provide for an indenture of trust covering one or more facilities of the Authority. Such resolution or such indenture of trust may contain any provision or agreement customarily contained in instru-

ments securing evidences of indebtedness, including, without limiting the generality of the foregoing, provisions respecting the collection and application of any receipts pledged to the payment of bonds, the terms to be incorporated in lease agreements respecting the facilities, the maintenance and insurance thereof, the creation and maintenance of reserve and other special funds from such receipts, and the rights and remedies available in the event of default to the holders of the bonds or to the trustee for the holders of the bonds or under any indenture of trust, all as the Authority may deem advisable and as shall not be in conflict with the provisions of this Act; provided, however, that in making such agreements or provisions the Authority shall not have the power to obligate itself except with respect to its facilities, the Kilby Property and the application of the receipts which it is herein authorized to pledge. If there be any default by the Authority in the payment of the principal of or interest on the bonds or in any of the agreements on the part of the Authority which may properly be included in any resolution or indenture of trust securing such bonds, any holder of any of the bonds or any of the coupons or the Trustee for the bond-holders under any resolution or indenture of trust, if so authorized therein, may either at law or in equity, by suit, action, mandamus or other proceeding, enforce payment of such items and compel performance of all duties of the directors and officers of the Authority, and shall be entitled, as a matter of right and regardless of the sufficiency of any such security or the availability of any other remedy, to the appointment of a receiver in equity with all the power of such receiver for the maintenance, insurance, and leasing of the facilities and property covered by such resolution or such indenture of trust and the collection and application of the receipts therefrom; provided that no such resolution or indenture of trust shall grant any lien or mortgage subject to foreclosure, nor shall such resolution or indenture of trust be construed so as to compel the sale of any of the prison or correctional institution facilities or property covered thereby or any part thereof in satisfaction of the bonds secured thereby, but a sale of the Kilby Property or parts thereof may be compelled. Any such resolution or indenture of trust may contain provisions regarding the rights and remedies of any trustee thereunder and the holders of the bonds and coupons and may contain provisions restricting the individual rights of action of the holders of the bonds and coupons.

Section 27. Special Funds. In the resolution or proceedings authorizing the issuance of any bonds or any temporary loans or in any indenture of trust, the Authority may provide for the establishment of one or more special funds for the payment of the principal of or interest on the bonds, certificates

or notes, one or more reserve funds therefor, and a fund or funds for the payment of insurance premiums or other expenses with respect to the ownership and leasing of the facilities, or for the expense of selling and leasing the Kilby Property. Any such special funds shall be held as trust funds by the State Treasurer separate and apart from all other monies. The State Treasurer is authorized and directed to pay, solely from the special fund or funds provided therefor, the principal of and interest on all bonds issued hereunder as such principal and interest respectively matures and comes due and the redemption price of any bonds called prior to maturity. He shall establish and maintain appropriate records pertaining to such funds. Such records shall be available at all reasonable times to public inspection.

Section 28. Presumption of Validity of Bonds and Publication of Notice Thereof. Any resolution or indenture of trust authorizing any bonds hereunder shall contain a recital that they are issued pursuant to the provisions of this Act, which recital shall be conclusive evidence that said bonds have been duly authorized pursuant to the provisions of this Act, notwithstanding the provisions of any other law now in force or hereafter enacted or amended. Upon the passage of any resolution or approval of any indenture of trust providing for the issuance of bonds under the provisions of this Act, the Authority may, in its discretion, cause to be published once in each of two consecutive weeks in a newspaper published and having general circulation in the City of Montgomery, Alabama, a notice in substantially the following form (the blanks being first properly filled in):

"Alabama Corrections Institution Finance Authority, an Agency of the State of Alabama, on the _____ day of _____, 19____, adopted a resolution providing for the issuance of _____ Dollars principal amount of bonds of said Authority. Any action or proceeding questioning the validity of said resolution or said bonds or the pledges and agreements made in said resolution for the benefit thereof, or the proceedings under which said bonds, pledges and agreements were authorized, must be commenced within twenty days after the first publication of this notice.

Alabama Corrections Institution Finance Authority.

By _____
Its President

Any action or proceeding in any court seeking to set aside or invalidate a resolution providing for the issuance of bonds under the provisions of this Act or to contest the validity of

any such bonds, or the validity of any pledge or agreement made therefor, must be commenced within twenty (20) days after the first publication of said notice. After the expiration of twenty (20) days following such first publication, no right of action or defense founded upon the validity of the resolution, indenture of trust, or other proceedings, if any, or of the bonds, or of the pledges or agreements, shall be asserted. In the event of such publication the validity of such resolution, indenture of trust, proceedings, bonds, pledges or agreements shall not be open to question in any court upon any ground whatever, except in an action or proceeding commenced within such period. Any such action and any action to protect or enforce any rights under the provisions of this Act shall be brought in the Circuit Court of Montgomery County, Alabama.

Section 29. Dissolution of the Authority.—When all bonds and securities issued by the Authority and all obligations assumed by it under the provisions of this Act shall have been paid in full, the then president of the Authority shall thereupon execute and deliver in the name of and in behalf of the Authority an appropriate deed or deeds, to which the seal of the Authority shall be affixed and attested by the secretary of the Authority, conveying to the State all the buildings, properties and other assets then owned by the Authority. The then officers and directors of the Authority shall at such time file with the Secretary of State a written statement, subscribed and sworn to by each of them, reciting the payment in full of all bonds theretofore issued by the Authority and the execution and delivery of such deed or deeds to the State, which statement shall be filed by the Secretary of State and recorded with the certificate of incorporation of the Authority, and thereupon the Authority shall stand dissolved.

Section 30. Severability Clause. The provisions of this Act are severable. In the event that any section or part thereof is declared invalid, such declaration shall not affect the validity of the parts and sections which remain.

Section 31. Effective Date of Act. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 1, 1965.

Time: 6:53 P. M.

Act No. 679

S. 253—Reynolds

AN ACT

To amend Code of Alabama 1940, Title 30, Section 54, which relates to the striking of juries in civil actions.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1940, Title 30, Section 54 is hereby amended to read as follows:

"Section 54. In all civil actions triable by jury, either party may demand a struck jury, and must thereupon be furnished by the clerk with a list of twenty-four jurors in attendance upon the court, from which a jury must be obtained by the parties or their attorneys alternately striking one from the list until twelve are stricken off, the party demanding the jury commencing; provided, that in all judicial circuits having not more than three judges, the court shall require to be made two lists of all the jurors in attendance upon the court, who are competent to try the case, and not engaged in the trial of some other case, which list shall in no event contain less than twenty-four jurors, from which a jury must be obtained by the parties or their attorneys alternately striking one from the list until only twelve remain on the list, the party demanding the jury commencing; and the jury thus obtained must not be challenged for any cause, except bias or interest as to the particular case."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 1, 1965.

Time: 7:10 P. M.

Act No. 680

S. 278—Wilson

AN ACT

To provide an expense allowance for the solicitor of the Fourteenth Judicial Circuit of Alabama payable from the general funds of the county constituting such circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. The solicitor of the Fourteenth Judicial Circuit of Alabama shall be entitled to an allowance for expenses in the amount of \$800.00 per annum, which shall be paid in equal monthly installments from the general funds of the county constituting such circuit.

Section 2. This Act is cumulative.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 1, 1965.

Time: 6:16 P. M.

Act No. 681

S. 291—Wilson

AN ACT

To provide further for the payment and retirement of certain claims against the fine and forfeiture funds of counties having populations of not less than 51,000 nor more than 55,000 according to the most recent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in all counties in this state having populations of not less than 51,000 nor more than 55,000 according to the most recent federal decennial census.

Section 2. After this Act becomes effective the total amount in the fine and forfeiture fund of any county to which this Act applies shall be used exclusively to retire the claims of officers and witnesses heretofore lawfully registered against such fund, until all such claims which were registered prior to the effective date of this Act and which were held and outstanding on such date are paid. All such claims maturing after the effective date of this Act shall be paid out of the fine and forfeiture fund of the county in the manner prescribed by law.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws, general or local, in conflict herewith are repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 1, 1965.

Time: 6:15 P. M.

Act No. 682

S. 277—Wilson

AN ACT

To provide expense allowances for the circuit court judges of the Fourteenth Judicial Circuit of Alabama payable from the general funds of the county constituting such circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. The circuit court judges of the Fourteenth Judicial Circuit of Alabama shall each be entitled to an allowance for expenses in the amount of \$600 per annum, which shall be paid in equal monthly installments from the general funds of the county constituting such circuit.

Section 2. This Act is cumulative.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 1, 1965.

Time: 6:17 P. M.

Act No. 683

S. 317—McDow

AN ACT

To provide a method of payment of member and employer contributions to the Employees' Retirement System for County Engineers participation in said System under provisions of Section 3 of Act No. 515, General Acts of Alabama 1945, page 734, approved July 9, 1945, as amended by Act No. 248, Acts of Alabama 1964, page 345, approved September 4, 1964; and to provide for contributions to the employing counties by the State Highway Department of amounts due for employer participation.

Be It Enacted by the Legislature of Alabama:

Section 1. Membership payment of County Engineers eligible for participation as members of the Employees' Retirement System of Alabama under Section 3 of Act No. 515, General Acts of Alabama 1945, page 734, approved July 9, 1945, as amended by Act No. 248, Acts of Alabama 1964, page 345, approved September 4, 1964, to the extent of the State Highway Department's contribution to the County for the Engineer's salary shall be as follows: (a) The State Highway Director shall cause to be deducted from the State's payment to the County for the Engineer's salary the member's contribution and employer's contribution at the rates provided by law and remit the contribution to the Employees' Retirement System of Alabama in the same manner as for highway department employees. The State Highway Department shall further contribute to the employing county an amount equal to the employer's contribution for the County Engineer retirement from the same funds from which State's contribution for salary occurred, said contribution to be in addition to all other contributions authorized by Section 70 of Title 12 of the Code of Alabama 1940, as amended, or any other law. (b) For service rendered from October 1, 1945 to September 30, 1965 by the County Engineer to the State Highway Department or as County Engineer the County Engineer shall pay to the Employees' Retirement System of Alabama the contributions he would have paid had he been eligible for participation to the extent of State Highway Department contribution to his salary plus regular interest under rules and regu-

lations as may be required by the Employees' Retirement System of Alabama. (c) Immediately after September 30, 1965 the State Highway Director shall cause to be paid to the Employees' Retirement System from the same funds from which the State contribution to salary occurred the total amounts paid by all such County Engineers for such prior membership service as County Engineer, multiplied x 1.01 for the employing county's participation for service rendered from October 1, 1945 to September 30, 1965 as a further contribution to the employing county, said contribution to be in addition to all other contributions authorized by Section 70 of Title 12 of the Code of Alabama 1940, as amended, or any other law.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 1, 1965.

Time: 6:54 P. M.

Act No. 684

S. 355—Lolley, Cooper

AN ACT

To appropriate \$5,000,000 conditionally out of the Alabama Special Educational Trust Fund during the fiscal year ending September 30, 1965, to be distributed among the State Vocational Technical Schools, the Alabama Institute for Deaf and Blind and the Partlow State School and Hospital.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby conditionally appropriated out of the Special Educational Trust Fund the sum of \$5,000,000, to be distributed as follows: the sum of \$450,000, shall be for the use of the Alabama Institute for Deaf and Blind; the sum of \$100,000 shall be used to construct a school building at the Partlow State School and Hospital—this is to be in addition to the \$400,000 previously appropriated out of bond money; the remainder shall be distributed among the State Vocational Technical Schools and Junior Colleges by the Alabama School and College Authority, to be used for the construction and equipping of the State Vocational Technical Schools and Junior Colleges, these amounts to be in addition to any funds heretofore provided by law for the construction and equipping of State Vocational Technical Schools and Junior Colleges; provided, however, this appropriation is conditional upon the condition of the Alabama Special Educational Trust Fund and upon the approval of the Governor.

Section 2. The provisions of this Act are severable. If any

sentence, clause, provision or portion of this Act be held unconstitutional or invalid, such holding shall not affect any other sentence, clause or provision of this Act, not in and of itself unconstitutional or invalid.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved September 1, 1965.

Time: 6:52 P. M.

Act No. 685 S. 364—Carter, Nichols, Givhan, Horton, James,
Lowe, Montgomery, Clark

AN ACT

To provide for the establishment of works of improvement for the drainage of wet, swamp, and overflowed lands of the State, and for flood prevention or the conservation, development, utilization and disposal of water within the State; to authorize the organization of water management districts; to confer the right of eminent domain to the extent necessary to carry out the purposes of this Act; to provide for raising revenue by taxation and bond issue to pay the costs and expenses of carrying out the purposes of this Act; designating drainage districts as water management districts; prescribing penalties; and repealing Code of Alabama 1940, Title 2, Sections 208-262.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall be known as the "Alabama Water Management Act".

Section 2. The establishing of proper works of improvement for the drainage of wet, swamp and overflowed lands of the State, and for flood prevention or the conservation, development, utilization and disposal of water within the State is declared to promote the public health, to aid agriculture and to be in the interest of the public welfare and convenience. The State Soil Conservation Committee is hereby charged with the duty of co-operating with persons desiring to form water management districts and of aiding and advising in such development.

Section 3. The court of probate of any county of the State of Alabama shall have jurisdiction, power and authority to establish water management districts, as hereinafter provided, for the following purposes: to locate and establish levees, drains, or canals, and to cause to be constructed, straightened, widened or deepened any ditch, drain or watercourse; to construct for the purposes of flood prevention or the conservation, development, utilization or disposal of water, works of improvement, including levees, embankments, floodwater retarding structures,

water storage structures, outlets and tide gates, flood gates and pumping plants for preventing floods, providing drainage, reducing sediment and reclaiming wet, swamp or overflowed lands, and other related works of improvement that will carry out the purposes of this Act; to provide maintenance for such installations; and it is hereby declared that the drainage of surface water and the reclamation of wet lands, swamp lands, overflowed lands, tidal marshes, flood prevention and the conservation, development, utilization and disposal of water shall be considered a public benefit and conducive to the public health, safety, convenience, utility and welfare.

Section 4. The court of probate shall keep a complete record of all its proceedings under this Act in a book to be used for the purpose only. The book shall be designated as the "Water Management District Record of _____ County, Alabama" and shall also have recorded therein all bond orders, papers, proofs of publications and auditors and water management commissioner's (hereinafter referred to as water management commissioners) reports, bonds and plats filed in any district proceedings in the probate court of that county, except the district tax record and the district tax books.

Section 5. Whenever a petition praying for the organization of a water management district, and signed by a majority of the landowners owning more than one-third of the land in acreage in a proposed district, or by at least one-third of the persons owning more than half of the land in the proposed district, shall be filed with the court of probate of such county in which such lands are located, or if such lands be composed of tracts or parcels situated in two or more counties then in the office of the court of probate of the county in which there is situated more of said lands than in any other county, said petition setting forth the specific body or district of land in the county, or county and adjoining counties, described in such a way as to convey an intelligent idea as to location of such land, and stating that the public benefit or utility, or the public health, convenience, or welfare will be promoted by drainage, ditching, or leveeing, or by changing or improving the natural water courses, or by the installation of tile systems, pumping plants, tide gates, or any other method of drainage or flood prevention, or the conservation, development, utilization and disposal of water, it shall be the duty of the court of probate forthwith to appoint a competent civil or agricultural engineer experienced in water management engineering, provided that whenever the owners of a majority in acres of the land comprising the district petition the court for the appointment of any person qualified under this Act to act as engineer, it shall be the duty of the

court to appoint such engineer, the court shall determine the rate of compensation to be paid the engineer for preliminary surveys and report and shall provide funds for payment of engineering and other expenses incidental to the proceedings, as hereinafter provided. The engineer so appointed shall, after making the necessary examination and survey, report to the court: (1) the boundaries of the proposed district, which shall be the watershed area affected if the proposed works of improvement include works other than, or in addition to, drainage works, or the area benefited by the drainage improvements if the contemplated works of improvement are for drainage purposes only; (2) a description of the area that in the opinion of the engineer will be benefited, according to legal or recognized subdivisions; (3) whether such work will be conducive to the public health, safety, convenience or welfare; (4) a general outline of the plan to accomplish the desired water management; (5) a map showing the territory that should be included in said district and in a general way, the location and nature of the tentative improvements proposed; and (6) a tentative estimate of the cost of the proposed improvements; No landowner having signed the petition for the installation of works of improvement under this Act shall have his name stricken from such petition without the written consent of the owners of a majority of the acreage owned by those signing said petition.

Section 6. Immediately upon the filing of the report of the engineer or other plans submitted by petitioner, it shall be the duty of the court of probate to forthwith give notice thereof by personal service or by causing publication to be made as hereinafter defined and in the event notice is given by publication the following form shall suffice: "Notice of Petition for the Organization of a Water Management District. Notice is hereby given to all persons interested in the following described lands in _____ County, State of Alabama (here describe the lands as set out in the preliminary survey or other plans on file with this Court), that a petition has been filed with this Court signed by a majority of the persons owning at least one-third of the land or by at least one-third of the persons owning more than one-half of the aforementioned land, asking that the aforementioned and described lands be organized into a water management district under the provisions of the Alabama Water Management Law, and that some of the lands above described will be affected by the formation of said district and may be rendered liable to taxation for the purpose of procuring land rights constructing, operating and maintaining the works of improvements that may be found necessary in said district, and you and each of you are hereby notified

to appear at a term of the Court of Probate to be held on the _____ day of _____, 19____, at _____ o'clock in _____ County, and show cause, if any there be, why the aforementioned and described lands should not be organized as a water management district _____ Probate Judge of _____ County". A copy of such notice shall be mailed the commissioners by the Probate Judge.

Section 7. The court of probate of the county in which said petition is filed shall thereafter maintain and have original and exclusive jurisdiction co-extensive with the boundaries and limits of said district without regard to county lines for all purposes of this Act, subject however, to the right of appeal to the circuit court of the county in which the petition is filed.

Section 8. On the day appointed for the hearing, a representative of the State Committee may appear and by verbal or written statement advise the court of his opinion of the need of establishing the proposed water management district.

Section 9. Any owner of real property in said proposed district who wishes to object to the organization and incorporation of said district shall on or before twelve o'clock (noon) of the day set for the causes to be heard file his objection in writing stating why such district should not be organized and incorporated. On the day appointed for the hearing, the court shall hear and determine in a summary manner any objection that may be offered to the sufficiency of the petition or to the report of the engineer or plan submitted by petitioners. If it appears that there is any land within the proposed district that is not in the watershed, if the proposed plan includes purposes other than drainage, or is not in the benefited area if the proposed plan includes only the drainage purpose such lands shall be excluded; and if it shall be shown that there is any land without the proposed district that is in the watershed, if the proposed plan includes purposes other than drainage, or is in the benefited area if the proposed plan includes only the drainage purpose, the boundaries of the district may be so changed as to include such lands and such owners of additional lands shall be made parties to the proceedings and such notice to the owners of such additional lands shall be given by publication as hereinbefore provided, or by personal service, and the hearing shall be continued to a date to be fixed by the court, upon which date the objections, if any, are filed to the inclusion of additional lands, shall be adjudicated and such additional lands as may be adjudged in the watershed or benefited area shall thereupon be included within the proposed district. If it further appears that

the purpose of this Act would be subserved by the creation of the proposed water management district, the court shall, after disposing of objections as justice and equity require by its findings duly entered of record, adjudicate all questions of jurisdiction, declare the district organized as a body corporate, giving it a corporate name by which in all proceedings it shall thereafter be known, with all the powers of a public corporation, with power to sue and to be sued, to incur debts, liabilities and obligations, to exercise the powers of eminent domain for the purpose of securing adequate outlets, flood-water retarding structure sites, and such other rights-of-way as may be necessary within and without the district to carry out the intentions of this Act and the right of assessment as herein provided, to issue bonds, and to do and perform all acts herein expressly authorized and all acts necessary and proper for the carrying out of the purpose for which the district was created and for executing the powers with which it is invested. If the Court at the final hearing shall find against the sufficiency of the petition or the improvement it shall dismiss the petition and proceedings at the cost of the petitioners, and shall issue an itemized bill of all costs and expenses, which itemized statements of costs and expenses shall have the full force and effect of a judgment and constitute a lien upon the lands of the petitioners within said proposed district, which liens shall be of equal dignity with the lien for general state, county, city, village, school and road taxes, and the court shall forthwith order the levying and collection of a uniform acreage tax on all of the lands included in the petition owned by the petitioners for organization to meet the expenses incurred, and such tax shall be due and payable as soon as levied, and if not paid by the thirty-first day of December in the year in which it is levied the same shall become delinquent and shall be turned over to the tax collector of the county in which the lands are located for collection, and the collection of such taxes shall be proceeded with in the same manner as delinquent general state and county taxes.

Section 10. The order of the court of probate establishing said district shall have all the force of a judgment and the court shall forthwith levy a uniform tax of not more than ten cents per acre upon each acre of land owned by the landowners within such district to be used for the purpose of defraying the expenses incurred in establishing said district or to be incurred in organizing said district, making surveys of the same, and assessing benefits and damages and to pay other expenses necessary to be incurred before the board of commissioners hereafter provided for shall be empowered by the subsequent provisions of this Act to provide funds to pay the total cost in connection with the works of improvement of the district. In case the boundaries of the district be extended

under subsequent sections of this Act so as to include land and other property not contained within the district as organized by order of the court of probate in the first instance the same uniform tax shall be made on such lands as soon as the same shall have been annexed and included in the district. Such tax shall be due and payable as soon as levied and if not paid by the thirty-first day of December in the year in which it is levied, shall become delinquent and shall be turned over to the tax collector of the county in which the lands are located for collection, and the collection of such taxes shall be proceeded with in the same manner as delinquent general state and county taxes. This tax shall be a lien, equal in dignity with the lien for general state and county taxes on the land against which it is levied from the time the levy is made. In case the sum raised from such levy exceeds the total cost of items for which the same has been levied the surplus shall be placed in the general funds of the district and used to pay the cost of construction, rights-of-way, and operations and maintenance of works of improvements.

Section 11. Upon the organization of the district the court of probate shall appoint three water management commissioners to be designated "Board of Water Management Commissioners", who shall have control of the affairs of the district, and each commissioner shall be an owner of real property within the district, and shall be over twenty-one years of age, at least one of them shall be a resident of the county in which the proceedings are held. Whenever the owners of a majority in acres of the land comprising a district petition the court for appointment of a person qualified under this Act to act as a water management commissioner, it shall be the duty of the court to appoint such person or persons, but in the absence of such petition it shall be the duty of the court to appoint such competent person or persons. Each of these water management commissioners shall take the oath of office as declared by the constitution of the state and shall also swear that he will not directly or indirectly be interested in any contract made by the board of water management commissioners, save and except so far as he may be benefited as a landowner in common with other landowners by the works constructed. Any water management commissioner failing to take oath within thirty days after his appointment or failing to give bond in the sum of not less than one thousand dollars to be fixed by the court, shall be deemed to have declined to act as water management commissioner, and his place shall be filled by the court. The said board of water management commissioners shall adopt a seal for the district and they may from time to time make such by-laws, rules, regulations, and orders, and change the same, as they may deem proper and not inconsistent

with this Act and the laws of the State, for the purpose of carrying into effect the object of their incorporation. They shall elect from their own number a president and secretary and appoint and employ such other officers, engineers, attorneys, and agents, and employ such persons, as they may deem necessary for the efficient management of their business, and may remove them at pleasure. The water management commissioners appointed as aforesaid shall hold their offices, one for two years, one for four years, and one for six years from the date of their appointments, and until their successors are appointed and qualified. The court shall indicate the term of office of each water management commissioner and on the expiration of their terms of office their successors shall be appointed in like manner for the term of six years thereafter. Said board of water management commissioners shall hold their meetings at any time and place in the county or counties in which any part of the district is situated upon the call of the president, or the president shall call a meeting when petitioned by a majority of the members of said board; provided that an annual meeting of said board of water management commissioners shall be held at the office of the judge of probate having jurisdiction over the district, on the second Monday of September each year to consider any business which may come before them in behalf of the district or any questions which any landowner may desire to present. All vacancies on the board of water management commissioners shall be filled by the court, but if the owners of a majority in acres of the land comprising the district shall petition for the appointment of a particular person for water management commissioner, it shall be the duty of the court to appoint the person so designated. A majority of the board of water management commissioners shall constitute a quorum and the concurrence of a majority of the members at any regular or legally called meeting shall be conclusive as to any matters within the jurisdiction of said board.

Section 12. Any commissioner, viewer or other officer, of any district organized under this Act, may after due hearing be removed for cause upon a motion filed in the court of probate where said district was organized.

Section 13. If the court finds that any property set out in the report of the engineer or other plans submitted by petitioners should not be incorporated in the district, the board of commissioners or any owner of realty in the district may, within twenty days, after the refusal of the court of probate to include said property in the district, appeal from the order of the court to the circuit court, upon giving bond in a sum to be fixed by the court conditioned for the payment of costs

if the appeal should be decided against said appellant. Any person owning lands within the district that in his opinion should not be included in the district may, within twenty days, appeal from the decision of the court to the circuit court by filing any appeal accompanied by a bond approved by the court, conditioned for the payment of the cost if the appeal should be decided against him.

Section 14. The power of eminent domain is hereby conferred, and such land, easements or rights-of-way within or outside the district, which are necessary to carry out the purposes of the district, may be condemned. Nothing in this Act shall be construed to authorize the acquisition by eminent domain of any real property or rights owned or controlled by railroads or utilities, both public or private. The right of condemnation hereby conferred being exercised by application to the court of probate of the county in which the lands over which such right-of-way of outlet is desired or a material portion thereof, are situated, and the same proceedings shall be had as in cases of condemnation of lands under the right of eminent domain, and such damages as may be awarded as compensation shall be paid by the board of water management commissioners out of the first funds which shall be available from the proceeds of the sale of bonds or otherwise.

Section 15. The board of water management commissioners of any district organized under this Act, or their employees or agents, or cooperating State and Federal agencies, including contractors and their employees, and the engineer and members of the board of viewers and their assistants, may enter upon the lands within or without the district in order to make surveys and examinations to accomplish the necessary preliminary purposes of the district, or to have access to the work, being liable, however, for actual damage done. Any person or corporation preventing such entrance shall be guilty of a misdemeanor.

Section 16. Within sixty days after the district is established it shall be the duty of the board of water management commissioners to appoint as district engineer a competent civil or agricultural engineer of good standing in his profession who is familiar with the type of project involved, if said engineer is needed or required by the district. Such services of an engineer may not be required if engineering services are furnished by a Federal, State or local agency. In case an engineer is needed or required it shall be the duty of the court of probate to refer the report of the preliminary survey or other plans to the district engineer, who shall make

a survey of the district and shall prepare a report with plans for improvements for the district. Such report shall include maps, profiles, specifications, estimates of cost, and other data and descriptions which are necessary to show location and character of the proposed work, provided that map or maps shall show the boundary as closely as may be determined by the records of the tax assessor, of the land owned by each individual landowner within the district, also the location of any railroads, public highways, gas lines, power lines, other public utilities and the boundary of any incorporated town or village. Such report shall also contain an accurate description of all lands and other property, which may be needed for right-of-way or for the uses and purposes of the district. In case it is found that the data of any former surveys or other proceedings may be useful for the purposes of the district, the board of water management commissioners may take over and use such data and may pay therefor the amount of its value to the district. The board of water management commissioners and the engineer or the agency furnishing engineering services, in the preparation and adoption of plans, shall consider the best interests of the district and are not bound to follow or adopt the plans that may be outlined in the preliminary report or plans. In case an engineer is employed, he may, at the expense of the district and with the approval of the board of water management commissioners, employ the necessary assistants in making surveys, maps, and profiles, and may secure the services of a consulting engineer or expert advisor. In case engineering services are being furnished by some organization or agency cooperating with the district, the court shall refer preliminary report or plans to said organization or agency who shall prepare plans for the works of improvement for the district. Upon receipt of the final report of the district engineer or final plan from other competent authority concerning the surveys made of the lands and other property in the district organized, and plans for treating the same, the board of water management commissioners shall adopt such report of plans with any modification thereof approved by the district engineer or other consultants after consultation. Thereafter such adopted report or plan shall be the plan for draining, leveeing, reclaiming, or protecting such lands and other property from overflow or damage by water, or for flood prevention or for the conservation, development, utilization and disposal of water, and it shall after such adoption be known and designated as the "Plan of Water Management", which plan shall be filed with the judge of court of probate and incorporated into the records of the district. The committee may file with the board of water management com-

missioners a statement of any fact or suggestion he deems will be beneficial.

Section 17. Whenever the proposed improvement crosses the right-of-way of any railroad company, it shall be the duty of the board of water management commissioners, before adopting the plan of water management, to promptly notify such railroad company by serving written notice on any agent of such company or its lessee or receiver that the board of water management commissioners will meet the company at the place where the proposed works of improvement will cross the right-of-way of such company, such notice fixing the time of such meeting which shall not be less than ten days after the service of the same, for the purpose of conferring with said railroad company with relation to the place and the manner in which said improvement shall cross such right-of-way. It shall be the duty of the board of water improvement commissioners and the railroad company to agree, if possible, upon the place where and the manner and method in which such improvement shall cross such right-of-way. If the board of water management commissioners and the railroad company cannot agree, or if the railroad company shall fail, neglect or refuse to confer with the board of water management commissioners, said board of water management commissioners shall determine the place and manner of crossing the right-of-way of said railroad company, and shall specify the number and sizes of openings required and so specify in the plan of water management, and they shall further specify that they could not agree with the railroad company or that the latter failed, neglected or refused to confer with them.

Section 18. The board of water management commissioners may correct errors in or amend the plan of water management at any time upon the recommendation or concurrence of competent technicians when it appears that the purpose for which the district is organized may thereby be more effectively and economically accomplished; provided, that after assessments of benefits have been confirmed by the court, no such amendment to plans shall be effective until approved by the court having jurisdiction of the district after a hearing for which notice shall be given as in the case of the assessments of benefits, at which hearing all parties whose property has been assessed for benefits or may be damaged or taken by reason of such amendment, shall have opportunity to be heard. When any amendment to the plan is approved by the court, the benefits and damages resulting from such amendment shall be determined at the same hearing.

Section 19. Within ninety days after the adoption of the plan of water management, the secretary of the board of water management commissioners shall prepare and transmit a certi-

fied copy thereof to the court of probate of the county in which the district is organized, and at the same time the board of water management commissioners shall file with said court of probate a petition to appoint viewers to appraise the lands within and without said district to be acquired for rights-of-way on the works of improvement of the district, and to assess benefits and damages according to all lands in the district and other property by reason of the execution of the plan of water management. Within thirty days after the filing of such petition the court of probate shall by an order appoint a board of viewers consisting of three viewers who shall be disinterested owners of realty in the county or counties involved. A majority of said viewers shall constitute a quorum and shall control the action of the board of viewers on all questions.

Section 20. Within thirty days after qualifying the board of viewers shall begin their duties, and they may at any time call upon the attorney of the district for legal advice and information relative to their duties. Said viewers shall proceed to view the premises and determine the value of all land and other property within or without the district to be acquired and used for rights-of-way or other works of drainage, leveeing, reclamation, flood prevention, or for the conservation, development, utilization, and disposal of water, as set out in the water management plan. They shall assess the amount of benefits and the amount of damages, if any, that will accrue to each tract of forty acres or less, according to the legal or recognized subdivisions of land according to ownership, to public highways, railroad and other rights-of-way, railroad, roadways and other property from carrying out and putting into effect the plan of water management. The engineer assisting the district or his representative shall accompany the board of viewers while they are viewing the lands of the district. The viewers, in assessing the benefits of lands, public highways, railroad and other rights-of-way, railroads, roadways and other property not traversed by such works and improvements as provided for in the plan of water management, shall not consider what benefits will be derived by such property after improvements or plans other than those incorporated in the plan of water management shall have been constructed, but they shall assess only such benefits as will be derived from the construction of the works of improvement specifically set out in the plan of water management, or as the same may afford an outlet for drainage or protection from overflow of such property. The public highways, railroads and other rights-of-way, roadways, railroad and other property, shall be assessed according to the increased physical efficiency and decreased maintenance cost of such roadways by reason of the protection to be derived from the proposed works of improvement. The board of viewers shall have no power to alter the plan of water management heretofore

provided. The board of viewers shall prepare a report of their findings, which shall be arranged in tabular form, the columns of which shall be headed as follows: Column 1, "owner of property assessed"; Column 2, "description of property assessed"; Column 3, "number of acres assessed"; Column 4, "amount of benefits assessed"; Column 5, "number of acres taken for right-of-way"; Column 6, "value of property taken for right-of-way"; Column 7, "damages awarded"; provided, that a mistake in the name of the owner of any lands assessed shall not invalidate the assessment. There shall be set out a description of the land and other property to be required for right-of-way and for the uses and purposes of the district and the value of each tract or parcel thereof. Said report shall be signed by at least a majority of the board of viewers and filed with the court of probate of the county organizing said water management district.

Section 21. When the report of the board of viewers is fully completed in accordance with the provisions of this Act and filed, the court of probate shall forthwith set a date for hearing said report, not less than thirty days thereafter, and shall give notice thereof by causing publication to be made as hereinafter defined, and the following form shall suffice: "Notice of Filing of Viewers' Report and Hearing Thereon for . . . Water Management District. Notice is hereby given to all persons interested in the following described land and property in . . . County (or counties), Alabama; (here described land and property) included within and without . . . Water Management District, that the Board of Viewers heretofore appointed to assess benefits and damages to the property and lands situated within and without said water management districts and to appraise the cash value of the land necessary to be taken for rights-of-way for the works of improvement of said district within or without the limits of said district, filed their report in this office on the . . . day of . . . 19 . . . is hereby notified that you may examine said report and on or before the said day of hearing file exceptions to all or any part thereof as provided by law. _____ Probate Judge of _____ County, Alabama."

Section 22. On or before the day set for the hearing of the final report of the board of viewers, the water management district or any owner of land or other property in said district, or any person having interest in any lands or other property within said district, may file exceptions to said report or to any assessment for either benefits or damages. All exceptions shall be heard by the court and determined in a summary manner, so as to carry out liberally the purposes and needs of the district, and if it appears to the satisfaction of the court, after having heard and determined all of said exceptions, that the estimated cost of constructing the improvements contemplated in the plan

of water management, or in the case of a Public Law 566 watershed project, that portion of the costs that must be borne by the "local organization", together with the damages assessed, is not greater than ninety percent of the benefits assessed against the land and other property in said district, then the court shall approve and confirm the report of the board of viewers as so modified and amended. If, however, the court finds that the local cost of construction, together with the damages assessed, exceeds ninety percent of the benefits assessed, the court shall dismiss the proceedings at the cost of the landowners in said district, and render its decree, decreeing the incorporation of the district to be dissolved as soon as all costs incurred, which shall include court costs and all obligations and expense incurred in behalf of the district by the board of water management commissioners, shall have been paid; and if the uniform tax levy under the provision of Section 9 of this Act be found insufficient to pay all such costs, the board of management commissioners shall make such additional uniform tax levies as will be necessary to pay such deficiency, provided that any fund remaining after such costs and expenses have been paid shall be prorated among the landowners in the same ratio as it was collected. The court of probate of the county in which the water management district is organized shall transmit a certified copy of the court decree and copy of the board of viewers' report, as confirmed or amended by the court, to the board of water management commissioners of the district, and if the district embraces lands in more than one county then the secretary of the board of water management commissioners shall thereupon make and transmit a certified copy of the said decree and that part of the said report affecting land in each county, to the court of probate of each county except the county in which the district is organized, having lands in the district assessed with benefits, where the same shall become a permanent record; and each such court of probate shall receive a fee of one dollar for receiving, filing and preserving the same.

Section 23. Any person aggrieved may within ten days after the confirmation of the board of viewers' report appeal from the judgment of the court of probate to the circuit court and upon such an appeal there may be determined either or both of the following: First, whether just compensation has been allowed for property appropriated; and second, whether proper damages have been allowed for property prejudicially affected by the improvements. Such appeal shall be taken and prosecution as now provided by law, which appeal shall be based and heard only upon the exceptions heretofore filed by the complaining party, either as to issue of law or fact, and no additional exceptions shall be considered by the court upon the hearing of the appeal; provided, that nothing in this section shall be construed to

authorize any appellant to stay the proceedings of the district, or to prevent progress in the work of construction of any work or improvement; but said district may proceed with said work, and any subsequent proceedings in the circuit court shall affect only the rights and interests of the appellant in property located in such district.

Section 24. After the list of lands and other property with the assessed benefits and the decree and judgment of the court have been filed as provided in Section 22 of this Act, the board of water management commissioners shall without unnecessary delay levy a tax of such portion of said benefit on all lands and other property in the district to which benefits have been assessed, as may be found necessary by the board of water management commissioners to defray the costs and expenses of the proposed works and improvements as incorporated in the plan of water management, plus ten percent of said total amount for emergencies. The said tax shall be apportioned to and levied on each tract of land or other property in said district in proportion to the benefits assessed and not in excess of ninety percent thereof, and in case bonds are issued as provided herein and hereafter, then the amount of the interest (as estimated by said board of water management commissioners), which will accrue on said bonds, shall be included and added to the said tax, but the interest to accrue on account of the issuing of said bonds shall not be construed as a part of the costs of construction in determining whether or not the expenses and costs of making said improvements are or are not in excess of ninety percent of the benefits assessed. The board of water management commissioners, as soon as said total tax is levied, shall at the expense of the district prepare a list of all taxes levied, in the form of a well bound book, which book shall be endorsed and named "Water Management Record of . . . Water Management District . . . County (or counties), Alabama", which endorsement shall also be printed or written at the top of each page in said book, and said tax record shall be signed and certified by the president and secretary of the board of water management commissioners, attested by the seal of the district, and the same shall thereafter become a permanent record in the office of the secretary of the board of water management commissioners, and a copy thereof shall be filed in the court of probate of each of the counties having lands in said district, as the same may affect the land or other property in that county, where the same shall become a permanent record of the court, and for receiving and filing the water management tax record, the court of probate shall be allowed a fee of one dollar. The following form shall be sufficient for such a water management tax record:

"STATE OF ALABAMA)

) SS.

COUNTY OF)

TO THE COURT OF PROBATE OF COUNTY, ALABAMA

This is to certify that by virtue and authority of the Alabama Water Management Law, the Board of Water Management Commissioners of Water Management District, in which are situated the lands and other property in the county (or counties) of and State of Alabama, do hereby certify that the tax authorized by said law, and the land and other property against which the same is levied, are described in the following table, in which table are: 1. The names of the supposed owners of said land and other property. 2. The descriptions of said land and other property opposite the names of the said owners. 3. The amount of such tax levied against each tract of land or piece of property. (Here insert schedule as above including description of land and amount of tax and then complete record with the following). The said tax shall be payable in not to exceed twenty annual installments, the amount of each installment as well as the amount of maintenance tax to be determined and certified to the tax collector of the county, not later than the first Monday in October each year. The aforesaid tax and such maintenance tax as may be levied from time to time shall be a first lien equal in dignity with the lien for State and County taxes upon the land and other property herein and therefore described. Witnessed by the signatures of the president of the Board of Water Management Commissioners of the said water Management district, attested by the seal of said district and by the signature of the secretary of said Board of Water Management Commissioners, this day of 19 President,
Secretary."

In case the proceeds of the taxes levied as herein provided are not sufficient to construct the improvements as described in the plan of water management, then the board of water management commissioners shall make, certify and provide for the collection of such additional taxes as are necessary to complete the improvements; provided, however, that the aggregate of all such levies, exclusive of maintenance taxes and taxes levied for interest, on bonds, shall not exceed ninety percent of the total benefits assessed and confirmed.

Section 25. The said board of water management commissioners shall each year thereafter determine, order and levy the amount of the annual installment of the total taxes under the preceding section, which shall become due and be collected during said year, at the same time that state and county taxes

are due and collected, which said annual installment and levy shall be evidenced and certified by the said board as hereafter provided. Prior to the first Monday in October of each year, one copy of the water management tax book shall be delivered to the tax collector of each county in which benefited lands and other benefited property of said district are situated, after the judge of the court of probate of the county in which the district was organized has affixed his signature to the certificate and order directing the collection of said tax, and said tax shall thereupon have the force and effect of a judgment as in the case of state and county taxes. The certificate and order of said installment tax shall be in substantially the following form:

**"STATE OF ALABAMA
COUNTY OF**

To Tax Collector of County:

This is to certify that by virtue and authority of the Alabama Water Management Law, the Board of Water Management Commissioners of . . . Water Management District, . . . County (or counties), of Alabama, have and do hereby levy the sum of \$. . . as the annual installment of tax for the year 19. . ., of the total tax levied under the provisions of said Article, which said total tax has heretofore been certified to the Court of Probate of . . . County, and said Board of Water Management Commissioners by and under the authority of the same law have levied also the sum of \$. . . as a maintenance tax for said year; said annual installment of tax and maintenance tax on the real estate and other property situated in your county are set out in the following table, in which are: First, the names of the supposed owners of said lands and other property; second, the description of said lands and other property opposite the names of said owners; third, the amount of said installment of tax levied on each tract of real estate or other property; and fourth, the amount of maintenance tax levied against the same (here insert the schedule after which the balance of the certificate shall appear.) The said taxes shall be collectible and payable the present year at the same time that State and county taxes are due and collected, and you are directed and ordered to demand and collect the said taxes at the same time you demand and collect the State and county taxes due on the same lands and other property, and this Water Management Tax Book shall be your warrant and authority for making such demand and collection. Witness the signature of the Judge of the Court of Probate of the county in which the district was organized and the president of the said Board of Water Management Commissioners, attested by the seal of said District and the

signature of the Secretary of said Board, this the day of, A.D., 19 Judge of the Court of Probate _____ County, Alabama, _____ President of the District, ATTEST: _____ Secretary of the District.”

In preparing the water management tax record provided for by this section, the board of water management commissioners shall show in properly ruled columns: First, the names of the owners of said land and other property as they appeared in the report of the board of viewers; second, the description of the said lands and other property opposite the names of said owners; third, the amount of said annual installment tax levied for each tract or piece of property; fourth, the amount of maintenance tax; fifth, a blank column in which the collector shall record the several amounts as collected by him; sixth, a blank column in which the collector shall record the date of payment of the different sums; seventh, a blank column in which the collector shall record the names of the person, or persons, paying the several amounts. Provided, that mistake in the names of the owners appearing in the water management tax book shall not invalidate the assessment. The columns in which the annual installment tax appears shall be correctly totaled. The said certificate and table shall be prepared in the form of a well bound book, which shall be endorsed and named Water Management Tax Book, Water Management District, County (or counties), Alabama, for the year 19. .,” which endorsement shall also be printed at the top of each page of said book. All taxes provided for in this Act shall constitute a lien equal in dignity with the lien for general state and county taxes upon the lands assessed, and except as hereinafter provided they shall be collected in the same manner and by the same officials as state and county taxes are collected. The said taxes shall be due and payable on the first Monday in October of each year, and if the same shall not be paid in full by the thirty-first day of December following, they shall become delinquent and when so delinquent shall bear a penalty of two percent per month until paid each fractional month being counted as a full month. It shall be the duty of the tax collector to sell the land or lands so delinquent, the sale of lands for failure to pay such taxes and penalty to be made at the courthouse door of the county in which the lands are situated between the hours of eleven o'clock in the forenoon and four o'clock in the afternoon of the first Monday in February of each year, and if for any reasonable cause the same cannot be made on that date, the sale may be continued from day to day for not exceeding four days, or the lands may be re-advertised and sold on the first Monday in March succeeding,

during the same hours, without any order therefor, and the sale of such lands for water management taxes and penalties or any installment thereof shall be made subject to the lien of any unpaid state, county or city taxes due thereon, and the sale of lands for any state, county, or city taxes due thereon shall be subject to the lien of any taxes or installments thereof levied under this Act. In all other respects, except as to time of sale of lands and the two percent penalty for each month's delinquency or part thereof, the existing law as to the collection of state and county taxes shall have application to the collection of water management assessments under this Act. It shall be the duty of the sheriff or tax collector to pay over to the district treasurer promptly the money so collected by him upon said tax assessments to the end that the said treasurer may have funds in his hand to meet the payment of interest and principal due upon any outstanding bonds as they mature. If at such sale or sales, no bidder is found who will bid the amount of water management tax, interest, penalty and costs due thereon, the land shall not be sold but shall be reoffered the next year.

Section 26. When any property in a water management district has been divided, sold or transferred the tax collector may receive taxes levied under this Act on a part of any tract, piece or parcel of land or other property and give his receipt accordingly only when the deed or transfer of said property shows the agreed division of said taxes and the approval of the board of water management commissioners of the district.

Section 27. The Tax Collector of each county shall retain for his services as collector of taxes for the water management district one-half of one percent of the amount he collects of delinquent taxes, penalties and costs. If any tax collector or sheriff shall refuse, fail or neglect to promptly make full payment of the tax, or any part thereof, collected under this Act, he shall pay to the treasurer of the district a penalty of ten percent on account of his delinquency. Said penalty shall at once become due and payable and both he and his surety shall be liable to the district therefor.

Section 28. Any person owning lands and other property assessed for the construction of any works of improvement under the provisions of this Act shall have the privilege of paying such tax assessment to the district treasurer on or before a date to be fixed by the board of water management commissioners, notice of which date shall be given by publication in a newspaper published in each county in which lie lands in the district at least ten days before such fixed date, and

the amount to be paid shall be the full amount of the tax levied, less any amount added thereto to meet interest. When such tax assessment has been paid the secretary of the board of water management commissioners shall enter upon the water management tax record opposite each tract for which payment is made the words, "paid in full", and such tax assessment shall be deemed satisfied, and the secretary of the board of water management commissioners shall also make or cause to be made the same entry opposite each tract for which payment is made upon the water management tax record, filed with the court of probate of the county in which the property is located, provided, that such payment shall not operate as a release of the lands or other property on which the full amount of taxes has been paid from liability to pay additional taxes upon said lands and other property as provided in this Act.

Section 29. Each and every person owning land in the district who shall fail to pay to the district treasurer the full amount for which his land is liable, as aforesaid, within the time above specified, shall be deemed as consenting to the issuance of water management bonds, and in consideration of the right to pay his proportion in installments, he thereby waives his right of defense to the payment of any tax which may be levied for the payment of bonds, because of any irregularity, illegality or defect in the prior proceedings except in case of an appeal as hereinbefore provided, which is not affected by this waiver.

Section 30. The board of water management commissioners may issue bonds of the water management district from time to time for an amount equal in the aggregate to the total cost of the improvement, including all preliminary organization and administration expenses not heretofore provided for, less such amounts as shall have been paid in cash to the district treasurer. In no case, however, shall the par value of the bonds issued plus such amounts as shall have been paid in cash to the district treasurer exceed ninety percent of the aggregate of benefits assessed against the land or other property. The bonds shall be numbered serially and shall bear interest not to exceed six percent per annum, payable semi-annually, and shall mature at annual intervals within forty years commencing after a period of years not later than five years to be determined by the board of water management commissioners, and said bonds shall be signed by the president of the board of water management commissioners, attested with the seal of said district and by the signature of the secretary thereof, and the interest coupons attached to said bonds may be executed with the facsimile sig-

nature of the secretary of said district. It shall, however, be unnecessary to affix the seal of the district to the interest coupons. Bonds issued hereunder shall have all the qualities of negotiable paper within the meaning of the law merchant. Said bonds may be prepared at the expense of the district and executed from time to time or at one time, and when delivered for value shall be held to the obligations of the district, although executed by officials other than those in office at the time of the delivery for value, provided the officials signing them were in office at the time they signed the bonds. The secretary of the board of water management commissioners shall file in the court of probate in which the water management district was organized, a certified copy of the order of the board of water management commissioners authorizing and describing any bonds issued hereunder and the said order shall be recorded in the water management record of said county. This order shall set forth the amount, date, denomination, maturing and number of the bonds to be issued, as well as the bond form including the place of payment, and before any of said bonds are delivered for value the judge of the court of probate shall certify on each bond that a copy of the order authorizing same has been duly recorded in the water management record of said county. It shall be sufficient to say: "This is to certify that a copy of the order of the Board of Water Management Commissioners of Water Management District of County, Alabama, authorizing this bond has been duly recorded in the Water Management Record of County, Alabama. _____ Judge of the Court of Probate, _____ County, Alabama."

Section 31. The Board of Water Management Commissioners may sell the bonds for cash at not less than ninety-five percent of the par value plus accrued interest and devote the proceeds to the payment of the work as it progresses and to the payment of other expenses of the district provided for in this Act, and for no other purpose or purposes. The funds of the district derived from the sale of bonds, collection of taxes, or any other source shall be placed in any such depositories as may be designated by the board of water management commissioners, and the depositories shall pay into the treasury of the district such rate of interest as may be mutually agreed upon between the depository and the board of water management commissioners; provided, that the rate of interest shall not be less than two percent per annum, and that the funds shall be subject to withdrawal at any time by the commissioners for the payment of the obligations of the district.

Section 32. The principal and interest of bonds issued under this Act shall be payable at such place or places as the board of commissioners may designate. At least two weeks before the principal and interest of any bonds are due and payable it shall be the duty of the treasurer of the water management district to forward to the place of payment named in such bonds, an amount sufficient to meet the principal and interest thereon coming due, together with the customary fee of such paying back not to exceed one-fourth of one percent. It shall be the duty of the board of water management commissioners in making the annual tax levy as hereinbefore provided to take into account the maturing bonds and interest on all bonds and to make ample provisions in advance for the payment thereof. In case the proceeds of the original tax levy made under the provisions of this Act are not sufficient to pay the principal and interest of all the bonds issued thereunder, then the board of water management commissioners shall make such additional levy or levies upon the benefits assessed as are necessary for this purpose and may issue additional bonds in like manner as in the first instance; provided, that the total tax levies, exclusive of maintenance taxes, or taxes levied to pay the interest on bonds, shall not exceed ninety percent of the benefits assessed.

Section 33. If any installment of principal and interest evidenced by any bonds, issued under the provisions of this Act, shall not be paid at the time and in the manner when the same shall become due and payable, the same shall bear interest at the rate of eight percent per annum until paid, and if such default shall continue for a period of sixty days, the holder or holders of such bond or bonds upon which default has been made may have a right of action against said water management district wherein the court may issue a writ of mandamus against the officers of said district, including the tax collector directing the levying of a sufficient tax as herein provided and the collection of same in such sum as may be necessary to meet any unpaid installments of principal and interest and costs of suit; and such other remedies are hereby vested in the holder or holders of such bond or bonds in default as may be authorized by law. And as an additional remedy in case of default in the payment of the principal and interest of any bonds heretofore or hereafter issued by any water management district within the State of Alabama, which default has existed for sixty days and payment has been demanded by the holder of any such bond or interest coupon at the place designated for payment in such instruments, and also to the president of the board of water management commissioners of any such water management district, the holder or holders of such bonds or in-

terest coupons shall have the right to make application to any court of competent jurisdiction for the appointment of a receiver for such defaulting water management district, and it shall be the duty of said court upon presentation of a petition properly verified to appoint a receiver in such case to collect any taxes due such district, and such receiver shall have power to institute suits for the collection of delinquent taxes and to do all things necessary to collect delinquent taxes or other debts due the district, and the said receiver may be directed by suit to foreclose the lien of said taxes on said lands, and out of the proceeds of any collections so made the receiver shall first pay all costs and shall prorate the remainder of such collections to the payments of bonds and coupons then due; and said receiver shall be under the jurisdiction and control of the court appointing him and he shall have power to proceed in any court of competent jurisdiction where it is necessary to enforce any lien against any land within the district, and said court shall have the power to discharge said receiver at any time and appoint another in his stead, and when all bonds and interest coupons past due shall have been paid, the receiver shall be discharged. Suits for the foreclosure of taxes by any receiver appointed hereunder shall be conducted in the following manner: Such suits shall be brought in the circuit court in equity of the county in which the lands are situated and the said court shall give judgment against all of such lands or other property in said district, for the amount of such taxes, together with all interest and penalties accrued thereon, and costs. Such judgment shall provide for the sale of such delinquent lands for cash in the same manner as other judicial sales of land. Said proceedings and judgment shall be in the nature of proceedings in rem, and it shall be immaterial that the ownership of such lands be incorrectly alleged in said proceedings, and such judgment shall be enforced wholly against such lands and not against any other property or estate of the defendants. All or any part of said delinquent lands for each of said counties may be included in one suit for each county, instituted for the collection of said delinquent taxes, etc., as aforesaid and notice of the pendency of such suit shall be given by publication weekly for four weeks (four insertions) before judgment is entered for the sale of said lands, in some newspaper published in the county where such suits may be pending, if there be one, and if no newspaper then in some newspaper in an adjoining county, which public notice may be in the following terms: "Receiver for . . . Water Management District vs. Delinquent Lands. All persons having or claiming any interest in any of the following described lands are hereby notified that suit is pending in the Circuit Court in Equity

of County, Alabama, to enforce the collection of certain water management taxes on the subjoined list of lands, the name of each supposed owner having been set opposite his or her or its lands together with the amounts severally due from each: (Then shall follow a list of supposed owners, with a descriptive list of said delinquent lands and amounts due thereon respectively, as aforesaid, and said public notice may conclude in the following form:) "All persons and corporations interested in said lands are hereby notified that they are required by law to appear within four weeks and make defense of said suit, or the same will be taken as confessed, and final judgment will be entered directing, the sale of said lands for the purpose of collecting said taxes, together with interest, penalty and costs allowed by law." Such suits shall stand for trial at the first term of court after the complaint shall have been filed, if said four weeks shall expire either before the first day of the term or during the term of court to which said suits are brought respectively, unless a continuance be granted for good cause shown, within the discretion of the court, and such continuance, for good cause shown, may be granted, as to a part of said lands of defendants without effecting the duty of the court to dispose finally of the others as to whom no continuance may be granted; and in all cases where notice has been properly given as aforesaid; and where no answer has been filed, or if filed, and the cause decided for the plaintiff, the court by its decree shall grant the relief as prayed for in the complaint, and shall direct the sale of such lands described in the complaint at the courthouse door of the county wherein the decree is entered at public outcry to the highest and best bidder for cash in hand, after having first advertised such sales (such advertisement may include all the land included in the decree) weekly for two weeks consecutively, (two insertions) in some newspaper published in the county, if there be one, and if no newspaper, then that such advertisement be published in some newspaper in an adjoining county, and if all the lands are not sold on the day as advertised, such sale shall continue from day to day until completed; and the register shall by proper deeds convey to the purchaser the lands so sold, and the title to said lands shall thereupon become vested in such purchaser as against all others whomsoever, subject only to the right of the owner of said land to redeem same within two years from the date of said sale, on payment of the amount paid by the purchaser of said land with legal interest thereon to the date of redemption, and also the further sum equal to ten percent of the amount so paid by the purchaser of said land. The purchaser of any land at such sale shall be entitled to the possession of such land immediately upon the

delivery to him of the deed thereof provided that if such land, being agricultural land, shall have been leased by the owner and the tenant shall have planted a crop thereon prior to such sale, such tenant shall have the right to till and gather his crop. The receiver may proceed by suit as aforesaid against any such delinquent lands before the sale thereof by the collector, or after such sale but for which no purchaser was found; and it shall be the duty of such receiver to deliver to the collector a copy of the complaint against such delinquent lands, and such lands shall thereafter not be offered for sale by the collector until such delinquent lands shall have been sold under the foreclosure herein provided for or the judgment against the same otherwise satisfied or the foreclosure suit against such lands otherwise finally disposed of; and it shall be the duty of such receiver, as such land is sold or judgment against the same otherwise satisfied, to furnish the collector with a list of such lands, and the collector shall then record the satisfaction of such tax in the water management tax book for the proper year. Provided, that it shall be the duty of the collector thereafter to sell any such lands at the time and in the manner provided by this Act for delinquent water management taxes for any year subsequent to the taxes for which judgment was rendered against such lands; provided further, that the sale of any lands for water management taxes under this Act shall only discharge such lands from the lien of the taxes for which judgment was rendered or the sale made.

Section 34. Bonds in behalf of the district for the safe-keeping of funds and faithful performance of their respective duties and obligations shall be given by each of the commissioners, the engineer, if any, the attorney, the secretary, the treasurer and all other persons who may handle funds of the district, and by such persons, firms or corporations having contracts with the district as the commissioners may require. The amount of the bonds and the sureties of the commissioners shall be subject to the approval of the court of probate. The amount of bonds and the sureties of the treasurer, the attorney, the secretary, the engineer, if any, and the contractors shall be subject to the approval of the board of water management commissioners. All bonds of district officials shall be placed with the court of probate and the bonds of contractors with the secretary of the district. The amount of the bonds of any person who handles district funds, or of a collector of district taxes, shall be determined by the board of water management commissioners. Sureties on such bonds may be individuals or corporations and the fees for all bonds required of officers and of other persons handling funds of the district shall be paid by the district as part of administration expense.

Section 35. The board of water management commissioners may secure and use men, equipment, and materials under the supervision of the water management engineer to construct, excavate, and complete all or any of the works of improvements which may be needed to carry out the plan of water management, or it may in its discretion let contracts therefor, either as a whole or in part. The board of commissioners shall fix the time and place of letting contracts for the construction of the improvements and cause notice thereof containing a description of the work to be let, to be made by publication in three consecutive issues of some weekly newspaper (if such there be) of general circulation published in the county in which the district is organized, and by at least one insertion in some contractor's or trade journal, and by such additional publication elsewhere as the board of water management commissioners may deem expedient, the last insertion to be at least ten days before the day of the letting. On the date appointed for the letting the board of water management commissioners, together with the water management engineer, shall convene and let the proposed work either in whole or in sections as they may deem most advantageous for the district. They shall have the right to reject any and all bids and to readvertise the work if in their judgment the interests of the district will be subserved by so doing. The successful bidder shall be required to enter into contract with the board of commissioners and to execute a bond for the faithful performance of such contract, with sufficient sureties in favor of the water management district in an amount not less than twenty-five percent of the estimated cost of the work awarded to him. The contract shall be based on the plans and specifications submitted by the engineer, or other competent authority, in the final report as adopted by the board of water management commissioners, the original of which shall remain on file in the office of the court of probate, and shall be open to inspection by all prospective bidders. All bids shall be submitted sealed and shall not be opened except under the authority of the board of water management commissioners and on the date and at the hour therefor appointed for opening the bids. In case the water management commissioners are installing the works of improvement with the assistance of some organization or agency, engineering and other assistance necessary in connection with letting contracts or otherwise installing the works of improvement may be furnished by the cooperating organization or agency. In such case, the letting of contracts will be handled in a manner agreeable to both the water management commissioners and the organization or agency involved.

Section 36. The water management engineer shall have charge of the construction of the plan of water management. He

shall make monthly estimates of the amount of work done, and shall furnish one copy to the contractor and file the other with the secretary of the board of commissioners; and the commissioners shall within five days after the filing of such estimates meet and direct the secretary to draw a warrant in favor of such contractor for not more than ninety percent of the work done according to the specifications and contract; and upon the presentation of such warrant, properly signed by the president and secretary, to the treasurer of the district he shall pay the amount due thereon. When the work is fully completed and accepted by the water management engineer he shall make an estimate for the whole amount due, including the amounts withheld on previous monthly estimates which shall be paid from the water management fund as herein provided. In case the water management district installs the works of improvement with the assistance of some organization or agency, engineering services may be furnished by the cooperating organization or agency as set out above, with any additional duties being performed as required due to the two groups working together.

Section 37. If any contractor to whom said work shall have been let shall fail to perform the same according to the terms specified in his contract, the board of water management commissioners may declare the contract forfeited and shall have a right of action against the contractor and the sureties on his bond for the amount of damage sustained by it.

Section 38. In the construction of the works of improvement the contractor shall have the right to enter upon the lands necessary for this purpose, and the right to remove private or public bridges or fences and to cross private lands in going to or from the work. In case the right-of-way of the improvement is through timber, the owner thereof shall have the right to remove it, if he so desires, before the work of construction begins.

Section 39. Where any public ditch, drain or watercourse established under the provisions of this Act crosses a public highway at the intersection of such highway with a natural watercourse or swale through which water flows during period of high water, the cost of bridges, or of repairing or enlarging existing bridges and culverts, or of constructing new ones, shall be borne by the county in which such bridges are located or by such other authority as is required by law to maintain such highway so intersected; and such bridges or culverts shall thereafter be maintained by such county or other authorities. Where any public ditch, drain or watercourses established under the provisions of this Act crosses a public highway at a point where such highway does not intersect a natural watercourse or swale, the cost of constructing the new bridge required shall be borne

by the water management district and such bridge or culvert shall thereafter be maintained by and at the expense of the county or such other authority required by law to maintain such highway so intersected.

Section 40. After a district has let a contract for work which crosses or traverses a railway right-of-way and the actual construction is commenced, the engineer in charge of construction shall notify the railroad company of the probable time at which the contractor will be ready to enter upon the right-of-way of said road and construct the work thereon. It shall be the duty of the said railroad to send a representative to view the ground with the engineer and arrange the exact time at which such work can be most conveniently done. At the time agreed upon the said railroad company shall remove its rails, ties, stringers, and such other obstructions as may be necessary to permit the excavation or construction of the channel or other work of improvement across its right-of-way. The work shall be so planned and conducted as to interfere in the least possible manner with the business of the said railroad. In case the railroad company refuses and fails to remove its track or tracks so as to permit the construction of the work on its right-of-way and the passage of the necessary equipment of the contractor, it shall be held as delaying the construction of the improvement, and such company shall be liable to a penalty of one hundred dollars per day for each day of delay to be collected by the board of water management commissioners for the benefit of the water management district as in case of other penalties. Such penalty may be recovered in any court of competent jurisdiction, and shall inure to the benefit of the water management district. Within thirty days after work is completed an itemized bill for the actual expenses incurred by the railroad company for opening its tracks shall be made and presented to the engineer of the water management district. Such bills, however, shall not include the cost of constructing a new bridge or of strengthening or enlarging an old one, except as herein provided. The engineer shall audit this bill, and if found correct approve the same and file it with the secretary of the board of water management commissioners who shall reimburse the said railroad company for such expense.

Section 41. Whenever any improvement constructed under this Act is completed, it shall be under the control and supervision of the board of water management commissioners. It shall be the duty of said board to maintain the levees, ditches, drains, watercourses, floodwater retarding structures, and any other improvements, in good repair, and for this purpose the board of water management commissioners may annually levy a tax on the lands benefited by the construction of such improvement in

the same manner as other water management taxes are levied, not to exceed ten percent of the assessed benefits in any one year, and the fund that is collected shall be used for repairing and maintaining the ditches, drains, watercourses, floodwater retarding structures, and other improvements in perfect order; provided, however, that if any repairs are made necessary by the act of negligence of the owner of any land through which such improvement is constructed, or by the act of negligence of his agent, tenant or employee, or if the same is caused by the cattle, hogs, or other livestock of said owner, tenant, employee, or agent, then the cost thereof shall be assessed and levied against the lands of the owner alone, to be collected by proper suit instituted by the water management commissioners; provided, further, that when it shall become necessary to repair any railroad bridge or construct a new railroad bridge by reason of enlarging any watercourse or of excavating any canal intersection, or by reason of wear and tear and natural deterioration of such bridge or structure, such repairs, maintenance and improvement shall be made at the expense of the said railroad. It shall be unlawful for any person to injure or damage or obstruct any improvements constructed under the provisions of this Act, without securing the prior written consent of the board of water management commissioner, and any person causing any injury, damage or obstruction, or building any bridge, fence or floodgate without the consent of the board of water management commissioners shall be deemed guilty of a misdemeanor.

Section 42. The owner of any land that has been assessed for the cost of the construction of any ditch, drain, watercourse, or other improvement as herein provided shall have the right to use the ditch, drain or watercourse as an outlet for lateral drains from said land; and if said land is separated from the ditch, drain, watercourse or other drainage improvement by the land of another or others, and the owner thereof shall be unable to agree with said other or others as to the terms and conditions on which he may enter their lands and construct said drain or ditch, he may petition to condemn the same and the same proceeding shall be had as in cases of condemnation under the right of eminent domain. When the drain is constructed it shall become a part of the drainage system and shall be under the control of the board of water management commissioners and be kept in repair by the board as herein provided.

Section 43. The board of water management commissioners may petition the court and upon a proper showing the court shall correct errors or omissions that may have occurred in any proceedings or decrees in relation to any district organized under this Act; provided, that notice by publication as herein provided shall be given to any person whose lands are affected by such

proposed correction, and that no other person or property shall be affected by such proceeding.

Section 44. Any body of land, however large, contiguous or adjacent to a water management district organized under this Act may be annexed thereto and made a part thereof, the same as if originally included therein, upon petition of one-third or more of the landowners owning fifty percent or more in acreage of the real property to be annexed, or upon the petition of one-half or more of the owners of the real property to be annexed owning more than one-third of the area to be annexed. Such petition and all the proceedings relative thereto shall conform as nearly as may be with the provisions of this Act for the filing of the petition for the organization of a water management district, and shall be filed with the court of probate having jurisdiction over the district to which annexation is sought. Upon filing of such petition the court shall direct the board of water management commissioners of said district to cause surveys and a report to be made by the district engineer or other competent authority as to whether or not the purposes of the petition for annexation can be accomplished, and in what manner the works and property of the existing district would be affected, and to file the report together with the recommendations of the board of water management commissioners thereon, with the court of probate. Upon the filing of the report by the board of water management commissioners, notice shall be given by the court of probate for a hearing of a petition for the organization of a district. Upon such hearing, if the court shall find that it will be for the public health, convenience, or welfare to annex said lands and to carry out the purposes of the petition, it shall so order and thereafter the land so annexed shall be considered and made a part of said district and the board of water management commissioners shall provide for the treatment of the annexed lands by the improvement contemplated in the plan of water management or amendments thereto; provided, that if at this hearing objections to the proposed annexation shall be made by the owners of the land, either within the original boundaries of the district or within the tract proposed to be annexed, representing respectively one-third of the landowners owning a majority of the acres, or a majority of the landowners owning one-third of the acres, it shall be the duty of the court to dismiss the petition for annexation and to levy an acre tax upon the lands described in the petition for annexation to reimburse the board of water management commissioners of said district for all expenses incurred in connection with the proceedings therefor. Such taxes when collected shall be delivered to the board of water management commissioners of said district.

Section 45. The organization of any district, or sub-district,

under the provisions of the Act shall not be construed to prevent inclusion of a whole or any part of the lands of any such district in another district and the taxing of such land to whatever extent the plan of water management may benefit such lands; provided that due credit shall be given in the adjustment of benefits and damages for the benefits received from any existing works which may form a part of the plan of water management of such other district.

Section 46. A water management district may be organized over the whole or any part of the lands covered by an existing watershed conservancy district organized under the Act No. 517 S. 96, Regular Session 1957 (Acts 1957, p. 705) provided that: 1. The Soil Conservation District supervisors and the directors of the watershed conservancy district concerned file no objection to the organization; and 2. The Water management district assumes any outstanding obligations and responsibilities of the watershed conservancy district. When such water management district is established it will supersede the watershed conservancy district and the watershed conservancy district, or that portion of the watershed conservancy district involved, shall be dissolved and shall no longer be in effect over the area covered by the water management district.

Section 47. Whenever it may be desirable to construct, widen, deepen, straighten, or otherwise change any ditch, drain, watercourse, floodwater retarding structure, levee, or other works of improvement lying on or along, across or near the boundary line between the State of Alabama and an adjoining state, or whenever it may be desirable to construct, repair or improve any works of improvement as provided for in this Act which ditch, drain, watercourse, floodwater retarding structure or other works of improvement cannot be constructed, repaired or improved in the best manner without affecting lands in such adjoining state, the board of water management commissioners of the district in which such work is located shall have authority to join with the proper officers of such adjacent county or counties or districts of other states in the construction, widening, deepening, straightening, repairing or improving of any such drain, ditch, watercourse, floodwater retarding structure, or other works of improvement. Such water management commissioners of any district of this state are hereby given power jointly to enter into contracts with the proper officers of such county or counties or districts in adjoining states to construct, repair, or improve any such works of improvement, each to pay such proportion of costs and expenses of the work as the contracting officials shall deem just. Such works of improvement shall be made on petition, as provided for in this Act, as far as applicable, shall govern the water management commissioners and other

officers of this state in relation to such joint works of improvement.

Section 48. The board of water management commissioners shall have the right and authority to enter into contracts or other agreements with the United States government or any department thereof, with persons, with railroads or other corporations, with public corporations, with the state government of this or other states, and with drainage, conservation or other improvement districts in this or other states, for cooperating or assisting in constructing, maintaining, using, or operating the works of the district, or for making surveys and investigations or reports thereon, and may purchase, lease or acquire land or other property in adjoining states in order to secure outlets, or for other purposes of this Act, and may let contracts for securing such outlets or other works in adjoining states as may be necessary to carry out the provisions of this Act.

The board shall have the authority to borrow funds from governmental agencies or other lending institutions in lieu of, or as a supplement to, issuing bonds. Such loans shall not exceed 40 years.

Section 49. On or before the first day of August each year the board of water management commissioners of any district organized under this Act shall have the accounts of the district audited and they shall file with the court of probate having jurisdiction thereof, the auditor's report showing the receipts and disbursements of the district for the preceding calendar year ending June thirtieth, as well as their statement, the character of the work accomplished during such year and a general statement of the plans and purposes of the board of water management commissioners for the succeeding year. The commissioners shall give notice by publication herein provided that the auditor's report and the annual report of the board of water management commissioners is on file with the court and that the board of water management commissioners will hold their annual meeting in the office of the court of probate on the second Monday in September to consider any business which may come before the board in behalf of the district, or any questions which any landowner may desire to present to the board of water management commissioners.

Section 50. All petitions provided for under this Act may be signed by women, whether married or single, provided they own land in the proposed district; guardians may sign for their wards, trustees, executors, and administrators may sign for the estates represented by them, and if the signature of any corporation is attested by its corporate seal, the same shall be sufficient evidence of the assent of the corporation.

Section 51. Notice by publication wherever referred to in this Act, unless otherwise specified, shall consist of publication once in each of three consecutive weeks (three insertions) in some newspaper having general circulation in the county or counties wherein the land in the water management district is located, the last insertion to be made at least fifteen days prior to the date fixed for the hearing of said notice, and it shall not be necessary that the publication shall be made on the same day in each of the three weeks; but not less than fourteen days, excluding the day of the first publication, shall intervene between the first publication and the last publication. When a district includes lands in two or more counties, such notice shall be published in each county and it will be sufficient to set out only the lands in the county in which the notice is published. If there be no newspaper published in the county in which the lands included within a water management district are situated, then such publication shall be made in a newspaper published in an adjoining county. It shall not be necessary for a notice to name the parties interested and said notice shall have all the force and effect of a summons served personally on those owning lands within the district. The term "court" wherever it appears in this Act, unless some other court is specifically designated, shall be construed to mean court of probate; the terms "Board of Water Management Commissioners" or "Board of Commissioners" wherever it appears in this Act shall be construed to refer to the board of water management commissioners. The term "Viewers" wherever it appears in this Act shall be construed to refer to the board of viewers. The term "person" wherever it appears in this Act shall be construed to mean any individual partnership, stock company or corporation. The term "district" wherever it appears in this Act shall be construed to refer to water management district. The term "swamp" and "overflowed lands", as used in this Act shall not be construed to apply alone to the present classification of lands under the laws of this state, but said term shall extend to and include all lands that need drainage or protection from overflow, regardless of former classification. The term "land owner" wherever it appears in this Act shall be construed to mean any property owner who owns partial or full interest in lands in the benefited area or any property owner who owns partial or full interest in over ten acres of land outside the benefited area within the district.

Section 52. Each member of the board of viewers, shall receive as compensation for their services twenty-five dollars per diem when actually employed. The secretary of the board of water management commissioners shall be entitled to such compensation for his secretarial work as may be agreed upon by the board of water management commissioners. Any attorney, engineer or assistant engineer, or assistants employed under the

provisions of this Act shall receive such compensation for his or their services as shall be fixed and determined upon by the court of probate, together with reimbursement for all necessary expenses, until the board of water management commissioners is appointed which shall then assume jurisdiction of these matters. The compensation of the treasurer of the district and of all other assistants and employees shall be determined by the board of water management commissioners. Such expenses shall be paid by order of the board of water management commissioners out of the fund provided for that purpose, and the board of water management commissioners shall issue warrants therefor in payment thereof.

Section 53. Any warrant issued under this Act that is not paid when presented to the treasurer of the district because of lack of funds in the treasury shall be endorsed on the back of said warrant "not paid for lack of funds". Such warrant shall draw interest thereafter at the rate of six percent per annum until such time as there is money in hand to pay the amount of such warrant and the interest then accumulated. The treasurer shall list such warrants in the order in which they are presented and reserve the funds that may be collected for the payment thereof to be applied to the retirement of the warrants in such order. No such warrant shall draw interest after the time when sufficient funds are in the hands of the treasurer to pay such indorsed warrant and interest.

Section 54. The board of water management commissioners shall elect some competent person, corporation or partnership as district treasurer, whose duty it shall be to receive all moneys derived from tax collections, the sale of bonds, or from any other source, and to disburse the same in accordance with the provisions of this Act. The Secretary shall also be eligible for the office of treasurer. The said treasurer shall be required, before entering upon the discharge of his duties, to give bond in such manner as shall be fixed by the board of water management commissioners, payable to the water management district conditioned that he will well and truly account for and pay out as provided by law all moneys received by him from whatever source, which bond shall be signed by at least two sureties, approved and accepted by said board of water management commissioners. Said treasurer shall keep all fund received by him from any source whatever deposited at all times in some banking institutions to be designated by the board of water management commissioners; provided that if it shall be deemed more expedient to the board of water management commissioners as to money derived from the sale of bonds issued, said board may by resolution select some suitable bank or banks or other depository as temporary treasurer or treasurers to hold and

disburse said moneys on the orders of the board of water management commissioners as the work progresses, until such fund is exhausted or transferred to the district treasurer by order of the said board of water management commissioners.

Section 55. For the purpose of carrying out the provisions of this Act, to assist in the keeping of the tax books, the collection of taxes, the remitting of funds to pay maturing bonds and coupons, and to be of such other service in the general management of the affairs of the district as may be determined, the board of water management commissioners shall have authority to appoint a fiscal agent and to define the duties and fix the compensation of said fiscal agent.

Section 56. The provisions of this Act shall be liberally construed to promote the storing of beneficial water, leveeing, ditching, draining and otherwise protection from flooding of wet and overflowed lands, and flood prevention or the conservation, development, utilization and disposal of water. The collection of the assessment shall not be defeated, when the proper notices have been given, by reason of any defect in the proceedings occurring prior to the order of the court confirming the final report of the viewers; but such order or orders shall be conclusive and final evidence that all prior proceedings were regular and according to law, unless they were appealed from. If on appeal the court shall deem it just and proper to release any person or to modify his assessment or liability, it shall in no manner affect the rights and legality of any person other than the appellant and the failure to appeal from the order of the court within the time specified shall be a waiver of any illegality in the proceedings and the remedies provided for in this Act shall exclude all other remedies.

Section 57. All drainage districts heretofore created under Code of Alabama 1940, Title 2, Sections 208-262 shall be known as water management districts and shall continue to carry out their drainage purposes under this Act. In order for such existing districts to exercise the additional powers granted by this Act, the commissioners of the districts must file a petition in the probate court requesting such additional powers. Proper notice must be given to landowners in the same manner as in the first instance of the creation of the district, and all other proceedings must be conducted insofar as possible in accordance with the procedures set forth for determining whether or not the district will be created in the first instance.

Section 58. Any district organized under this Act may be dissolved by the court of probate having jurisdiction thereof whenever it shall appear to said court that the works thereof need no further care or maintenance to preserve their efficiency

and usefulness, that the maintenance of the works be not further conducive to the public health, convenience, or welfare, and that all obligations of such district have been liquidated and fulfilled; provided, that the court shall not consider the dissolution of any district except upon the petition of two-thirds of the owners of real property owning not less than two-thirds of the area taxed. Upon filing of such petition the same notice be served and the same opportunity shall be given for objections to the dissolution of the district as herein provided upon the filing of a petition for the organization of a district.

Section 59. Code of Alabama 1940, Title 2, Sections 208-262 are hereby repealed.

Section 60. This Act shall become effective upon the adoption of an amendment to the Constitution of Alabama authorizing the Legislature to provide for the formation of water management districts.

Approved September 1, 1965.

Time: 6:32 P. M.

Act No. 686

S. 391—Clark

AN ACT

To amend Title 13, Section 240, Code of Alabama 1940.

Be It Enacted by the Legislature of Alabama:

Section 1. That Title 13, Section 240, Code of Alabama 1940, be and the same is hereby amended to read as follows: "§ 240. Transportation expenses, other expenses; offices and supplies. —Any circuit solicitor, deputy circuit solicitor, or assistant deputy circuit solicitor, who is ordered to prosecute any case, or work with any grand jury, or discharge any other duty outside of the circuit for which he has been elected or appointed, shall be entitled to his actual expenses for transportation, and a maximum of eleven dollars per day for subsistence. When performing duties outside the State, such solicitors shall be entitled, in addition to actual expense of transportation, other expenses reasonably incurred in the discharge of his duties. Upon his rendering an itemized and sworn to expense account within ten days after his return to his circuit, and upon the approval of said account by the attorney general, the comptroller shall draw a warrant in favor of such circuit solicitor, deputy circuit solicitor, or assistant deputy circuit solicitor, for such amount as stated in said account and not exceeding the limitations hereinabove provided. The several

counties of the state are hereby authorized, directed, and required to provide suitable offices for the use and occupancy by such circuit solicitors, deputy circuit solicitors, and assistant deputy circuit solicitors, and the state shall furnish such offices and officers with telephone service, stationery, stamps, and other necessary equipment for the use of such offices and officers. The sum of money to be expended for the purposes of this section shall be limited to the specific amounts appropriated by the legislature."

Section 2. This act shall become effective upon its passage and approval by the Governor or its otherwise becoming a law.

Approved September 1, 1965.

Time: 6:33 P. M.

Act No. 687

S. 394—Givhan, Eddins, Clark, McDow

AN ACT

To amend Act No. 201, H. 296, Acts of Alabama Regular Session 1955, page 492, relating to public school administration; and prescribing penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 8 of Act No. 201 Regular Sessions 1955, page 492, relating to the assignment and transfer of pupils in the public schools of the State, is hereby amended to read as follows:

"Section 8. Any other provisions of law notwithstanding, no child shall be compelled to attend any school when in the judgment of the parent or guardian of such child attendance in the school to which assigned will be detrimental to the physical or emotional health of such child or subject the child to hazards to personal safety. In any such case, the parent or guardian of such child shall file written objections with the local board of education and request transfer and reassignment. Upon refusal of any board to grant such a request, the child shall proceed as provided in Section 7 of this Act, or in lieu thereof, submit an application to the State Board of Education for a tuition grant to attend any private nonsectarian school in or outside the school attendance district in which the child resides. Tuition grants approved by the State Board shall not exceed a total of One Hundred Eighty-five Dollars (\$185.00) in any one school year, or a sum to be determined by the State Superintendent of Education to be the cost per pupil in average daily attendance in the public schools of the State, whichever sum shall be less. The State Board of Edu-

cation shall promulgate rules and regulations for the administration of tuition grants which shall be paid only from funds appropriated by the Legislature for such purpose. It shall be unlawful for any person to use funds granted under this Act for any purpose other than for the payment of tuition in school; and whoever violates this provision is guilty of a misdemeanor and upon conviction shall be punished as prescribed by law. As a condition precedent to the receipt of a tuition grant under this Act, the State Board of Education shall cause the parent or guardian of any child to whom a grant is made to enter into an enforceable agreement to reimburse the State Board of Education for the full amount of any grant made hereunder in the event of the enrollment of such child or children in any public school of this State after the receipt of a grant and within the school year for which the grant was made."

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 1, 1965.

Time: 6:50 P. M.

Act No. 688

S. 395—Givhan, Eddins, Clark, McDow

AN ACT

To make an additional appropriation to the State Board of Education from the funds in the State Treasury to the credit of the Alabama Special Educational Trust Fund.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other appropriations, there is hereby appropriated to the State Board of Education from the funds in the State Treasury to the credit of the Alabama Special Educational Trust Fund not otherwise appropriated, for the fiscal year ending September 30, 1966, a sum of One Million Seven Hundred Fifty Thousand Dollars (\$1,750,000.00), and for the fiscal year ending September 30, 1967, the sum of Two Million Dollars (\$2,000,000.00), or such portion of these monies as shall be necessary to provide authorized tuition grants, which sums shall be used by the State Board of Education for the payment of tuition grants authorized by provisions of Act No. 201, H. 296, Acts of Alabama Regular Session 1955, page 492, as last amended and supplemented.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 1, 1965.

Time: 6:51 P. M.

Act No. 689

S. 429—Cooper

AN ACT

To authorize the Director of Conservation to open a season in counties having a population of not less than 18,000 nor more than 19,400 for the hunting of female deer or unantlered male deer.

Be It Enacted by the Legislature of Alabama:

Section 1. Any law of the State of Alabama to the contrary notwithstanding, the Director of Conservation is hereby authorized to open a season in counties having a population of not less than 18,000 nor more than 19,400 for the hunting, taking, capturing and killing of female deer or unantlered male deer by a duly promulgated regulation when, in his best judgment, he deems it necessary for biological reasons or because of crop damage to open the season on such deer.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved September 1, 1965.

Time: 6:42 P. M.

Act No. 690

S. 459—Carter

AN ACT

To provide for establishment and operation of a state tuberculosis sanatorium in Jackson County on the site of the abandoned highway convict camp at Scottsboro.

Be It Enacted by the Legislature of Alabama:

Section 1. There shall be established in Jackson County a state tuberculosis sanatorium for the care and treatment of recalcitrant and other tubercular patients. The sanatorium shall be located in the building and on the site of the State Highway Department's convict camp at Scottsboro, and shall be operated, managed, and controlled by the Jackson County Hospital Board, subject to the general supervision of the State Board of Health and the State Health Officer.

Section 2. The State Department of Public Health shall provide assistance for the conversion of the convict camp building and the premises thereof into a suitable facility for the uses specified in Section 1, but the Jackson County Hospital Board shall own, construct, equip, and operate the same, and shall make application for and receive any federal financial assistance that may now or hereafter be available for payment of the costs incurred in constructing, equipping, and operating the sanatorium.

Section 3. The Highway Director is authorized and directed to execute on behalf of the Highway Department and the State of Alabama proper conveyances of the title to the property on which the said convict camp above described is situated, to the Jackson County Hospital Board, on such terms and conditions as the Governor may direct. Such conveyances, when executed, shall be recorded in the office of the judge of probate of Jackson County and also in the office of the Secretary of State. No recording fees shall be demanded or received by either of such officers for recording the conveyances.

Section 4. This Act shall take effect October 1, 1965.

Approved September 1, 1965.

Time: 6:41 P. M.

Act No. 691

S. 512—Reynolds

AN ACT

To fix the compensation of the judge and the solicitor of the inferior court of any county having a population of not less than 26,000 nor more than 27,000, according to the most recent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 26,000 nor more than 27,000, according to the most recent federal decennial census, the judge of the inferior court shall be entitled to an annual salary of \$3,600, which shall be paid monthly out of the general funds of the county. Also, in any such county the solicitor of the inferior court shall be entitled to an annual salary of \$3,300 payable monthly out of the general funds of the county.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective at the expiration of the term of office of the incumbent judge and solicitor of the inferior court of any county to which the Act is applicable

and shall terminate and expire on the same date of the fourth year next thereafter following.

Approved September 1, 1965.

Time: 6:38 P. M.

Act No. 692

S. 572—Mathews

AN ACT

To amend further Section 1 (j), Act No. 100, Second Special Session, Legislature of 1959, to provide for an alternative method of payment of sales tax on earth moving and construction equipment.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 (j), Act No. 100, Second Special Session Legislature of 1959, as amended, is further amended to read as follows:

"Section 1 (j). The term "sale at retail" or "retail sale" shall mean all sales of tangible personal property except those above defined as wholesale sales. The quantities of goods sold or prices at which sold, are immaterial in determining whether or not a sale is at retail. Sales of building materials to contractors, builders, or landowners for resale or use in the form of real estate are retail sales in whatever quantity sold. Sales of tangible personal property or products to manufacturers, quarry operators, mine operators, or compounders, which are used or consumed by them in manufacturing, mining, quarrying or compounding and do not become an ingredient or component part of the tangible personal property manufactured or compounded are retail sales. The term "sale at retail" or "retail sale" shall also mean and include the withdrawal, use or consumption of any tangible personal property by anyone who purchases same at wholesale, except property which has been previously withdrawn from the business or stock and so used or consumed and with respect to which property the tax has been paid because of such previous withdrawal, use or consumption, and except property which enters into and becomes an ingredient or component part of tangible personal property or products manufactured or compounded for sale and not for the personal and private use or consumption of any person so withdrawing, using or consuming the same; and such wholesale purchaser shall report and pay the taxes thereon. The term "sale at retail" or "retail sale" shall also mean all leases of earth moving or construction equipment, provided, however, the lessor of such equipment may use as the measure of the tax to be paid under this Act the gross amount proceeding or accruing from such leasing, or at his option

pay tax measured by the retail sales price of such equipment in lieu of the amounts received under the lease contract, provided further where the lessor is not in the business of selling such equipment he shall pay tax to his supplier at the time of purchase by him and no further tax hereunder shall apply on the lease of such equipment by him."

Section 2. This Act shall become effective on the first day of the month next following its passage and approval by the Governor or its otherwise becoming law.

Approved September 1, 1965.

Time: 6:37 P. M.

Act No. 693

S. 578—Lolley

AN ACT

Relating to Coffee County; relieving the board of registrars of the county from the duty of visiting precincts or voting places in the performance of their duties.

Be It Enacted by the Legislature of Alabama:

Section 1. The members of the board of registrars of Coffee County are relieved of the duty of visiting the precincts and voting places in the performance of their official duties as provided in Code of Alabama 1940, Title 17, Section 26 as amended; and in lieu thereof shall meet, for the purpose of registering voters; at each courthouse eleven days each, and in the other incorporated towns of the county eight days, dividing the eight days reasonably between such towns.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved September 1, 1965.

Time: 6:36 P. M.

Act No. 694

H. 125—Fite

AN ACT

To amend Sections 9, 14 and 16 of Act No. 762 enacted at the 1951 Regular Session of the Legislature of Alabama, as amended (relating to gas districts), so as to provide that a gas district organized under the provisions of said act, as amended, may issue refunding bonds (whether or not the bonds to be refunded are then subject to redemption) in principal amount not exceeding the principal amount

of the bonds to be refunded plus any premium necessary to redeem or retire any such bonds, any interest (accrued or to accrue) on such bonds to the date of redemption or retirement thereof and any expenses estimated to be incurred in connection with such refunding, so as to provide that any such refunding bonds may be issued by sale or exchange or any combination thereof, so as to authorize any such district to issue bonds for the combined purpose of so refunding any of its bonds and of acquiring, constructing, providing, improving or extending any gas system or systems, so as to specify with more particularity the purposes for which the proceeds from any such refunding bonds shall be used and so as to exempt gas districts more fully from taxation.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 9 of Act No. 762 enacted at the 1951 Regular Session of the Legislature of Alabama shall be and hereby is amended to read as follows:

"Section 9. BONDS OF A DISTRICT. The bonds of a district incorporated under this act shall be authorized by resolution of the board of directors of the district and may be issued in one or more series, may bear such date or dates, mature at such time or times, bear interest at such rate or rates (not exceeding 6 per cent per annum, payable semi-annually), be in such denominations, be in such form, either coupon or registered, or both, be executed in such manner, be payable in such medium of payment, at such place or places, be non-redeemable or subject to such terms of redemption, with or without premium, be subject to being declared or becoming due before the maturity date thereof, as such resolution or resolutions may provide. Said bonds may be issued for money or property, either at public or private sale, for such price or prices, as the board of directors shall determine, provided that the interest cost to maturity of the money or property (at its value as determined by such board of directors, the determination of which shall be conclusive) received for any issue of said bonds, shall not exceed 6 per cent per annum, payable semiannually. Such authorizing resolution shall provide for the execution and delivery of bonds of the district by its officers therein designated. Coupons may be executed with the facsimile signature of any officer designated by the board of directors. Any bonds issued by the district may thereafter at any time (whether before, at or after maturity thereof) and from time to time be refunded by the issuance of refunding bonds, which may be sold by such district at public or private sale, at such price or prices as may be determined by its board of directors, or which may be exchanged for the bonds to be refunded, or which may be partly sold and partly exchanged. Any such refunding bonds may be issued at any time and from time to time as the board of directors may deem it advisable, whether or not

the bonds to be refunded are then subject to redemption, and may be issued in a principal amount not exceeding the principal amount of the bonds to be refunded plus any premium necessary to redeem or retire such bonds, any interest (accrued or to accrue) on such bonds to the date of redemption or retirement thereof and any expenses estimated to be incurred in connection with such refunding; and if deemed advisable by the board of directors, bonds may be issued by any district incorporated under this act for the combined purpose of so refunding any outstanding bonds and of acquiring, constructing, providing, improving or extending any gas system or systems. The district may pay all expenses, premium and commissions which its board of directors may deem necessary or desirable in connection with any financing done by it. All bonds issued by such district shall be construed to be negotiable instruments although payable solely from a specified source, and bona fide holders of such bonds for value shall be entitled to all benefits provided by the negotiable instruments law of the State of Alabama. Pending the preparation or execution of definitive bonds, interim receipts or certificates or temporary bonds may be delivered to the purchaser or purchasers of said bonds. Any bonds issued by it may be purchased by a district out of any funds available for such purchase but such right of purchase may be limited to the authorizing resolution. All bonds so purchased shall be cancelled."

Section 2. Section 14 of said Act No. 762 shall be and hereby is amended to read as follows:

"Section 14. PROCEEDS FROM THE SALE OF BONDS. All moneys derived from the sale of any bonds issued by any district incorporated under this act, shall be used solely for the purpose or purposes for which the same are authorized, including any engineering, legal or other expenses incident thereto, and in the case of bonds issued in whole or in part for the construction of a gas system or systems or any part thereof, interest on such bonds (or, if a part only of the bonds are issued for the purpose of such construction, on the part of such bonds issued for that purpose) prior to and during such construction and, in the case of bonds issued by a district for the purpose of refunding outstanding bonds of such district, any premium which it may deem necessary to pay in order to redeem or retire the bonds to be refunded and any interest (accrued and to accrue) on the bonds to be so refunded. The treasurer or other officer designated by the board of directors shall give a receipt for the purchase price to the purchaser of any such bonds, which receipt shall be full acquittal to such purchaser and he shall not be under any

duty to inquire as to the application of the proceeds of such bonds."

Section 3. Section 16 of said Act No. 762 shall be and hereby is amended to read as follows:

"Section 16. TAX EXEMPTION. All property and all income of any district incorporated under this act, and any such district itself, shall be exempt from all state, county, municipal and other taxation in the State of Alabama, including, without limitation, privilege and license taxation. All bonds of such district and the interest thereon shall be exempt from all state, county, municipal and other taxation in the State of Alabama. All deeds, mortgages, indentures of trust and other documents executed by or delivered to any such district shall be exempt from all state, county and municipal and other taxation in the State of Alabama provided that these exemptions shall not be retroactive in effect and shall not affect any taxes currently in existence nor any tax previously assessed whether collected or not. Provided further the provisions of this act shall not affect or be applicable to any existing contracts, bonds, supporting taxes or existing exemptions. Nor shall it affect or be applicable to the refunding of any Gas District Corporations now incorporated on an existing debt, taxes or tax exemptions and any municipality or county to continue in the future to levy and collect any tax now levied the passage of this bill notwithstanding.

Section 4. This act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 1, 1965.

Time: 7:06 P. M.

Act No. 695

H. 923—Hester

AN ACT

To create an inferior court for Franklin County in lieu of the county court, defining its jurisdiction, providing for its officers and prescribing their powers and duties, and abolishing the county court.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created and established in Franklin County a court with county-wide limited jurisdiction. The court shall be known as the "Intermediate Court of Franklin County." It shall not be a court of record, but all papers and documents filed in such court shall be kept for public inspection.

Section 2. (a) Except as provided in subsection (b), the court shall have power to exercise jurisdiction in all actions, causes, matters, proceedings, cases, and actions cognizable before the circuit court, or a county court, or justices of the peace courts or courts created in lieu thereof, and the juvenile court, as provided by general laws. However, the procedure in juvenile cases shall be as prescribed for juvenile cases as provided in Alabama Code, Title 13, Chapter 7. The jurisdiction of the court with respect to juvenile cases shall be exclusive.

(b) The court shall not have power to try persons charged with felonies. It shall not have jurisdiction of actions of ejectment or actions in the nature of ejectment or of any civil action when the matter or sum in controversy exceeds five hundred dollars, nor take cognizance of any matter or proceeding in equity.

Section 3. (a) The judge of the court shall be a resident citizen and a qualified elector of Franklin County at the time of his appointment or election, and shall reside in the county during his continuance in office.

(b) Immediately after the effective date of this Act, the Governor shall appoint a qualified person as Judge of the Court, and shall issue a commission to him as such judge. He shall hold office until a successor is elected as provided hereinafter.

(c) A judge of the court herein established shall be elected by the qualified electors of the county at the general election of state and county officers in 1966, and every four years thereafter. His term shall be for four years from the first Monday after the second Tuesday in January next succeeding his election, and until his successor is elected and qualified.

(d) The judge shall, before entering upon the discharge of the duties of office, take the oath prescribed by Section 279 of the Constitution. He may be removed from office for any cause enumerated in Section 173 of the Constitution, in the manner provided by law.

(e) In the event of a vacancy in the office of judge, the Governor shall appoint a qualified person as judge and the person so appointed shall hold office for the unexpired term.

(f) In the event the judge is disqualified or unable to act, a special judge shall be appointed as provided in Section 124, Title 13, Code 1940.

(g) The judge shall receive a salary of \$6,300 per annum, payable out of the general funds of the county in equal monthly installments as the salaries of other county officers are paid.

(h) The judge shall have authority to: 1) administer oaths and take acknowledgements; 2) issue search warrants; 3) exercise such other powers, jurisdiction or authority as may now or hereafter be conferred by law upon judges of county courts, juvenile courts, and justices of the peace, including that of magistrate on preliminary examinations.

(i) The judge shall have an office in the county courthouse, or such other place as may be provided by the governing body of the county. His office shall be suitably equipped, furnished, and provided at the expense of the county with such office supplies, stationery, stamps, furniture, fixtures, and other materials as may be necessary for the transaction of the business of the court, subject to approval of the board of revenue or other like governing body of the county.

(j) In the absence of the regular judge, the clerk of court may, if no special judge has been appointed, accept a defendant's written, sworn plea of guilt and assess against such defendant such fine and costs as may be authorized by law; and any judgment so rendered by the clerk shall have the same force and effect as a judgment rendered by the judge of the court.

(k) The judge may appoint a secretary, whose compensation shall be a salary of \$175 a month, payable from the general funds of the county.

Section 4. (a) The court shall be open for transaction of any and all business or judicial proceedings of every kind within its jurisdiction at all times.

(b) Sessions of the court shall be held at the county courthouse. Regular sessions for the trial of criminal cases shall be held on the first Monday in each month, and on the third Monday of each month there shall be a call of the docket of the court for the handling, trial and disposal of criminal cases where the defendant has been confined in jail for five days or more and has failed to make bond, and of such other criminal cases in which the defendant shall request a trial in time for the witnesses to be summoned and caused to appear at the trial. On the first Tuesday after the first Monday and the first Tuesday after the third Monday in each month there shall be a session of said court and a call of the docket of said court for the handling, trial and disposal of civil cases. Special sessions may be held

at such times as the judge shall designate. Sessions may continue as long as may be necessary for the court to complete its business. The judge may fix reasonable hours for the holding of court.

Section 5. The sheriff shall attend the sessions of the court in person or by deputy. He shall execute all writs and processes of the court, and perform such other duties as he may be required to perform in the county court or the circuit court.

Section 6. The county solicitor elected as provided in Section 6 of Act No. 620, H. 1002, approved November 19, 1959 (Acts 1959, v. 2, p. 1524) shall be the solicitor of this court. Said solicitor shall attend all sessions of said court and do and perform all duties of a solicitor therein and in addition shall attend and represent the State at all preliminary hearings therein and shall do and perform all duties required of a deputy solicitor by Code of Alabama 1940, Title 13, Section 256. For such services, he shall receive a salary of \$250 a month, payable from the general funds of the county.

Section 7. (a) The circuit clerk of Franklin County shall be the ex officio clerk of the court. He shall be entitled to receive as compensation for his services as clerk of this court the same fees, commissions, percentages, allowances, and other compensation that are or may hereafter be, allowed to circuit clerks in the State of Alabama. In making his settlement with the state or county, as the case may be, the clerk shall retain such fees, commissions, percentages or allowances from any monies collected as fees, fines and costs in said court. He shall have authority to purchase at county expense, subject to the approval of the county governing body, such records, stationery, office supplies and equipment as may be necessary to conduct the court's business. He shall keep a seal, which shall be the official seal adopted by the court. Before entering upon the performance of his duties as clerk of this court, he must give bond as required by law for clerks of county courts.

(b) It shall be the duty of the clerk to keep all the files and dockets of the court in an orderly manner and perform all other duties required by the judge.

(c) The clerk shall have power and authority: (1) to administer oaths and take acknowledgements and affidavits; (2) to sign and issue all processes issuing out of the court, including warrants, affidavits, summonses, subpoenas, writs, executions, commitments and releases, making the same returnable to the court hereby established; (3) to approve bonds in civil and criminal cases, including appeal bonds; (4) to

enter all judgments, orders and decrees of the court; (5) to certify all appeals; (6) to exercise all powers and authority which are now or may be hereafter conferred on clerks of the county courts.

Section 8. (a) Except as otherwise provided in this act, the practice, procedure and process of the court as to parties, trial, competency of witnesses, admissibility of evidence, the taking of depositions, the filing of interrogatories to opposing parties, regulation of suits, and the time within which suits may be brought shall be governed by the statutes and rules of practice, procedure and process governing justice of the peace courts.

(b) In civil actions at law when the summons, writ of attachment, summons and complaint in attachment, or other process has been executed on the defendant, or service perfected on him as required by law, the defendant shall appear and plead, answer or demur thereto within thirty days, and the process issued shall so recite. The same provisions in reference to filing of interrogatories to parties to suits and the same provisions in reference to taking of depositions as now or may hereafter be provided for in the filing of interrogatories and the taking of depositions in the circuit courts of this State, except as herein provided, shall apply to the filing of interrogatories and the taking of depositions in this court; the parties shall be required to answer within thirty days.

(c) All garnishment proceedings in the court shall be governed by the provisions of Chapter 27, Title 7, Code 1940, except that the garnishee shall appear and file his answer within thirty days after the service on him of process of garnishment and the process shall so recite.

Section 9. The court shall not draw, organize, or empanel grand or petit juries. The judge shall decide all issues of fact without the intervention of a jury.

Section 10. (a) For their attendance upon the court, witnesses shall be entitled to the fees and allowances prescribed by law for witnesses in the county courts, which fees and allowances shall be taxed, collected, and paid in the same manner and according to the same regulations as apply in the circuit court.

(b) In addition to the fees for witnesses, the court shall have authority to tax costs and fees for the use of the officers of the county as follows: (1) In each civil action at law, the same as in circuit court; (2) In each criminal case involving an offense of which justices of the peace have final

jurisdiction, the same as in justice courts; (3) In every other criminal case, the same as in county courts, including fees as provided by Section 87, Title 11, Code 1940, except as provided hereinafter in Section 11.

(c) A trial tax of three dollars (\$3.00) shall be collected for the use of the county in each civil action and criminal case.

(d) No costs shall be taxed in juvenile cases.

Section 11. Prosecutions may be commenced in the court upon sworn complaint made to the judge or clerk of the court, who shall issue a warrant of arrest if he is reasonably satisfied that the offense has been committed and that there is reasonable cause to believe that the accused is guilty, or upon sworn complaint made as prescribed by Code 1940, Title 13, Section 327. The case shall be docketed for trial, and the trial shall be held and conducted as trials are conducted in the county courts.

Section 12. Any party may appeal from a judgment rendered against him to the circuit court by giving written notice within five days after rendition of the judgment and execution of a bond, with sufficient sureties, for payment of costs in the case, in both the intermediate court and the circuit court. Upon giving such notice and bond for costs, execution on the judgment shall be stayed pending the appeal to the circuit court. Such appeals shall be governed by Article 6 of Chapter 8, Title 13, Code of Alabama 1940, except as herein otherwise provided.

Section 13. The party in whose favor a judgment is rendered shall have all the rights, remedies, and privileges with respect to the registration and enforcement thereof as are provided in Chapter 11, Title 7, Code 1940.

Section 14. The judge of the court shall have the power to punish for contempt in all cases where the judges of the circuit courts of this State may punish for contempt, by fine not exceeding fifty dollars (\$50) and by imprisonment not to exceed five days, or by both fine and imprisonment.

Section 15. The county court of Franklin County is hereby abolished, and all cases pending in such abolished court when this act becomes effective shall be transferred from the docket of that court to the new court created by this act. The cases thus transferred shall proceed in the new court as though begun therein. This court shall have the same power to control judgments rendered by the abolished court and to issue executions and other processes thereon in all respects as though the judgments had been rendered by it.

Section 16. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 17. All laws or parts of laws which conflict with this act are repealed.

Section 18. This act shall become effective on the first of the month next following its approval by the Governor or its otherwise becoming a law.

Approved September 2, 1965.

Time: 10:35 P. M.

Act No. 696

H. 774—Dominick, Bowers, Bethea (M),
Meeks, Hawkins, Vacca, Brown
(Jefferson), Locke, Bethea (B)

AN ACT

To provide for pretrial conferences in civil cases pending in the circuit courts of counties having populations of more than 600,000.

Be It Enacted by the Legislature of Alabama:

Section 1. In any civil action in the circuit court of any county having a population of more than 600,000, according to the most recent federal decennial census, the court may on its own motion or upon application of one of the parties to the suit, as soon after the filing of complaint as is practicable, direct attorneys for the parties to appear before it for a conference to consider:

- (1) The simplification of the issues;
- (2) The necessity or desirability of amendments to the pleadings;
- (3) The possibility of obtaining admissions of fact and of documents which would avoid unnecessary proofs;
- (4) The limitation of the number of expert witnesses;
- (5) Such other matters as may aid in the disposition of the action.

The court shall make an order which recites the action taken at the conference, the amendments allowed to the pleadings, and the agreements made by the parties as to any of the matters considered, and which limits the issues for trial to those not disposed of by admissions or agreements of counsel; and such order when entered shall control the subsequent

course of the action, unless modified at the trial to prevent manifest injustice. However, nothing contained herein shall impair the right to amend pleadings as provided in Code Title 7, Section 239. The court in its discretion may establish by rule a pre-trial calendar on which actions may be placed for consideration as above provided. A case assigned for pre-trial conference may be tried by the Judge who holds the conference, but subject to the order of the Presiding Judge, the case may be set for trial before any Judge assigned to civil trial work; provided further that no case assigned for pre-trial conference shall lose its place on the regular calendar pending the conference proceeding.

Section 2. This Act is cumulative; it shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 1, 1965.

Time 5:48 P.M.

Act No. 697

H. 703—Campbell (Tuscaloosa), Brown (Tuscaloosa), Sullivan, Boston, Hannah, Moore, Davis, Daniel, Downing, Cantrell, Owens, Meeks, Dominick, Turner (Crenshaw), Casey, Heflin, Cook, Smith, Drake, Brewer

AN ACT

To provide a personnel merit system for the administration, control, and regulation of employment in the service of the Alabama State Hospitals and the Partlow State School and Hospital.

Be It Enacted by the Legislature of Alabama:

Section 1. As used in this Act, "State institutions" or "institutions" shall mean the Alabama State Hospital known as the Bryce Hospital and the Partlow State School and Hospital located in Tuscaloosa County and Searcy Hospital and all institutions under the control of the Board of Trustees of Alabama State Hospitals.

Section 2. The employees of the state institutions shall be governed by personnel merit system rules and regulations, the same as other employees in state service, as administered by the state personnel department. Employees of the state institutions on the date that this Act becomes effective who have been so employed for six months immediately preceding that date shall remain in their respective employments during

good behavior; but nothing herein shall be construed to prevent or preclude the removal of an employee for cause in the manner provided by law; and such employees, except for appointment, shall be subject fully to the provisions of the state merit system Act.

Section 3. The provisions of this Act shall apply to all officers and employees in the service of the state institutions except: 1) members of appointive boards, commissions, 2) physicians, surgeons, dentists, psychologists, social workers, nurses and attorneys; 3) any person whose employment is subject to the approval of the United States Government or any agency thereof; 4) heads of departments in the state institutions; 5) such custodial and laboring positions as may be designated by the state personnel department.

Section 4. The provisions of Code of Alabama 1940, Title 55, Section 301 in conflict with this Act are hereby repealed.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This Act shall become effective October 1, 1966.

Approved September 1, 1965.

Time: 6:54 P. M.

Act No. 698

H. 728—Rogers, Nabors, McDermott, Jones (Monroe), Etheredge, Locke, Goodwyn, Holladay, Steagall, NeSmith, Teel, Engel, Thomas, Edington, Meeks, Dominick, Turner (Limestone), Slate, Smith, Hogan

AN ACT

Relating to crimes and offenses: To make it a crime to avoid or attempt to avoid, with intent to defraud, payment or billing of lawful charge for telecommunication service, or knowingly, with intent to avoid payment or billing of such lawful charge, to conceal or attempt to conceal existence, place of origin or destination or sender, addressee or receiver of message, signal or communication by or over facilities of telecommunication from supplier of such service, or to use, attach or cause to be attached prohibited instrument, or to in any manner manipulate, tamper or interfere to or with communication line, channel, device or facility of supplier of telephone, telegraph or telecommunication service, or to make, manufacture, possess, use, employ, transport, purchase, transfer, sell, offer or advertise to sell, prohibited instrument; to define term prohibited instrument; to establish rules of evidence in connection therewith; to prescribe penalties therefor; to

provide for the search, seizure and destruction of prohibited instruments; to repeal Act No. 420, Acts of Alabama, Regular Session 1959, approved November 13, 1959, and all other conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. It shall be unlawful for any person, with intent to defraud, to avoid or attempt to avoid, or to conspire with, aid, assist or cause another to avoid or attempt to avoid, billing to the proper person, or payment of, the lawful charge, price or toll, in whole or in part, for any telephone, telegraph or other telecommunication service, or for the transmission of a message, signal or other communication by telephone, telegraph or other telecommunication or over telephone, telegraph or other telecommunication facilities by the use of any scheme, device, means or method.

Section 2. It shall be unlawful for any person, with intent to avoid billing to the proper person or payment of the lawful charge price or toll, in whole or in part, for any telephone, telegraph or other telecommunication service or for the transmission of a message, signal or other communication by telephone, telegraph or other telecommunication or over telephone, telegraph or other telecommunication facilities, knowingly to conceal or attempt to conceal or conspire with, aid, assist or cause another to conceal or attempt to conceal the existence, the place of origin or destination, or the true identity of the sender, addressee or receiver of any message, signal or other communication by or over the facilities of telephone, telegraph or other telecommunication from the supplier of such service.

Section 3. It shall be unlawful for any person to use, connect or cause to be connected or to conspire with, aid or assist another to use, connect or cause to be connected, any prohibited instrument as defined by this Act, or in any manner to manipulate, tamper or interfere or to conspire with, aid, assist or cause another to manipulate, tamper or interfere, whether physically, acoustically or by induction, to or with any communication line, channel, device or facility of a supplier of telephone, telegraph or other telecommunication service, or to attempt any of the foregoing.

Section 4. It shall be unlawful for any person to make, manufacture, possess, use, employ, transport, purchase, sell, give, transfer to another, or offer or advertise to sell, give or otherwise transfer to another, or to conspire with, aid, assist or cause another to do any of the foregoing, any prohibited instrument as defined in this Act, with intent to use or employ or to allow same to be used or employed, or with knowledge or good reason to believe that such instrument is

intended to be used or employed, or designed or adapted to be used or employed to violate any provision of this Act or Act No. 57, Acts of Alabama, Extra Session 1961, approved September 15, 1961, or to conceal the existence, place of origin or destination, or the true identity of the sender, addressee or receiver of any message, signal or other communication by or over the facilities of telephone, telegraph or other telecommunication from the supplier of such service or any lawful authority.

Section 5. For the purposes of this Act, the term "prohibited instrument" shall mean and include any instrument, apparatus, equipment, device or appliance, or the plan or instruction for the making or assembling thereof, which is designed, adapted or may be used to avoid billing to the proper person or payment of the lawful price, charge or toll, in whole or in part, for any telephone, telegraph or other telecommunication service or for the transmission of a message, signal or other communication by or over the facilities of telephone, telegraph or other telecommunication, or to conceal the existence, place of origin or destination, or the true identity of the sender, addressee or receiver of, any message, signal or other communication by or over the facilities of telephone, telegraph or other telecommunication from the supplier thereof or any lawful authority, or to violate any provision of this Act or Act No. 57, Acts of Alabama, Extra Session 1961, approved September 15, 1961.

Section 6. The unexplained making or manufacturing, possessing, using, employing, transporting, purchasing, selling, giving or transferring, offering, or advertising to sell, give or otherwise transfer to another, or attempting, aiding, assisting or causing any other person to do any of the foregoing, of any prohibited instrument shall be prima facie evidence of violation of this Act.

Section 7. The unexplained connection of any prohibited instrument, whether physically, acoustically or by induction, to a communication line or channel of a supplier of telephone, telegraph or other telecommunication service which is located on a premise over which a person has actual control, custody or possession shall be prima facie evidence of violation of this Act by such person having actual control, custody or possession of the premise on which is located the line or channel to which such instrument is connected.

Section 8. Any person who violates any provision of this Act shall be guilty of a misdemeanor, punishable by a fine of not less than \$50.00 nor more than \$1,000.00, to which, at the discretion of the court or judge trying the case,

may be added imprisonment in the county jail or at hard labor for the county for not more than twelve (12) months. Any person who violates any provision of this Act who has been previously convicted of violating this Act or of any crime in this or any other state or federal jurisdiction involving fraud or which carries possible punishment by confinement in the penitentiary, shall be guilty of a felony, and upon conviction thereof shall be punished by confinement at hard labor in the penitentiary for not less than one (1) year nor longer than ten (10) years.

Section 9. (a) In addition to the grounds enumerated in Code of Alabama of 1940, Title 15, Section 101, for the issuance of search warrants, search warrants may be issued as prescribed in Code of Alabama of 1940, Title 15, for the seizure of any prohibited instrument as defined in this Act.

(b) Any such prohibited instrument may be seized by court order, under a search warrant or incident to lawful arrest, and shall be held by the sheriff or other lawful peace officer subject to the order of the Magistrate or the court to which the proceedings may be carried by appeal; and upon final disposition of any proceedings in connection with any prohibited instrument as defined by this Act, such prohibited instrument shall be destroyed by such officer.

(c) Any prohibited instrument as defined by this Act and lawfully seized shall not be taken from the custody of the officer by writ of replevin or detinue or other process if it can be shown by such officer that the article seized is a "prohibited instrument" as defined by this Act.

Section 10. Act No. 420, Acts of Alabama, Regular Session 1959, approved November 13, 1959, and all laws or parts of laws in conflict herewith are hereby repealed; that Act No. 57, Acts of Alabama, Extra Session 1961, approved September 15, 1961, is not in conflict with, and is not repealed, modified or changed in any manner by, this Act.

Section 11. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 12. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 1, 1965.

Time: 5:45 P. M.

Act No. 699

H. 729—Goodwyn

AN ACT

TO AMEND SECTION 787 (e), AS AMENDED, TITLE 51, CODE OF ALABAMA 1940, SO AS TO MAKE THE SALE OF TANGIBLE PERSONAL PROPERTY TO UNDERTAKERS AND MORTICIANS A SALE AT RETAIL.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 787 (e), as amended, Title 51, Code of Alabama 1940, is hereby amended to read as follows:

"Section 787 (e). The term "sale at retail" or "retail sale" shall mean all sales of tangible personal property except those above defined as wholesale sales. The quantities of goods sold or prices at which sold are immaterial in determining whether or not a sale is at retail. Sales of building materials to contractors, builders or landowners for resale or use in the form of real estate are retail sales in whatever quantity sold. Sales of tangible personal property to undertakers and morticians are retail sales and subject to the tax at the time of purchase, but are not subject to the tax on resale to the consumer. Sales of tangible personal property or products to manufacturers, quarry operators, mine operators or compounders, which are used or consumed by them in manufacturing, mining, quarrying or compounding and do not become an ingredient or component part of the tangible personal property manufactured or compounded are retail sales."

Section 2. This Act shall become effective on the first day of the month next following the month of its passage and approval or otherwise becoming a law.

Approved September 1, 1965.

Time: 5:46 P. M.

Act No. 700

H. 750—Teel

AN ACT

To apply only in counties of the State having populations of not less than 10,000 nor more than 10,900 inhabitants according to the last or any subsequent federal decennial census, to further regulate the taking of fish from public streams and impounded waters; authorizing the taking of catfish by the use of wire mesh baskets, on which a privilege license tax has been paid; prohibiting the sale of fish so taken.

Be It Enacted by the Legislature of Alabama:

Section 1. The Director of the Department of Conservation is hereby authorized and empowered to promulgate rules

and regulations authorizing the taking, catching or killing of non-game fish from the public waters of all counties of the State having populations of not less than 10,000 nor more than 10,900 inhabitants according to the last or any subsequent federal decennial census, by the use of wire baskets having a mesh of one inch or more, provided, however, that the Director of the Department of Conservation shall only promulgate such a regulation upon the written petition of the State representatives and state senator from such county.

Section 2. Any person desiring a license to fish with such wire basket in areas where they may be legalized by regulation, as provided for above, may apply to the probate judge or other appropriate licensing authority in such county and shall pay a privilege license tax of one dollar (\$1.00) for each wire basket with which he proposes to fish. The judges of probate, license commissioners or other persons authorized and designated to issue fishing licenses shall be entitled to a fee of twenty-five cents for each license so issued, which fee shall be in addition to the amount designated in this Act as the cost of such license. The probate judge shall issue such license on forms provided by the Department of Conservation and shall keep a permanent record of all licenses issued and all taxes received. Licenses shall be issued on a fiscal year basis and all licenses issued in any year shall expire on September 30 of that year.

The revenue derived from the sale of the license provided for in this Act shall be remitted to the Department of Conservation on the first day of each month by the issuing officer and shall be covered into the state treasury to the credit of the game and fish fund.

Section 3. It shall be illegal for any person to obtain more than four (4) such licenses or fish with more than four (4) such baskets.

Section 4. Any basket or baskets that may become legal for use in the waters of such county under the provisions of this Act shall be clearly marked with the name of the licensee operating, using and owning said basket and the license number of said basket.

Section 5. All wire baskets not marked in accordance with the provisions of the preceding section shall be destroyed upon discovery by any officer, agent or employee of the Department of Conservation.

Section 6. Only non-game fish may be taken, captured or killed by means of any basket that may become legal for

use in such county under the provisions of this Act. All game fish taken in such baskets shall immediately be returned to the waters from whence taken with the least possible harm.

Section 7. The licenses provided for in this Act shall not be sold to any person holding a commercial fishing license or engaged in the business of commercial fishing, and it shall be unlawful for any persons holding a wire basket license or using a wire basket under the provisions of this Act to sell or offer for sale any fish within or without such county. (It is the specific intent of this Act to allow the use of wire baskets to catch fish for personal consumption only.)

Section 8. It shall be illegal for any person to raise, inspect or take fish from any wire basket that may be legalized under the provisions of this Act unless such person shall hold in his name and have in his possession the license for the particular basket he is raising, inspecting or from which he is taking fish. Nothing in this section shall prevent the raising of such baskets for inspection by any officer, agent or employee of the Department of Conservation.

Section 9. Any person who violates the provisions of this Act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five dollars. In addition, all basket licenses for such person shall be revoked, and no other such licenses shall be issued to him until the expiration of a period of three (3) years from the date of such conviction.

Section 10. All laws or parts of laws, general, local or special, in conflict with this Act are hereby repealed.

Section 11. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 12. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 1, 1965.

Time: 5:47 P. M.

Act No. 701

H. 900—Owens, Burns, Nabors

AN ACT

To amend Section 7 of Act No. 412, H. 878, Regular Session 1961 (Acts 1961, v. 1, p. 429) in relation to the compensation of the chairman and members of the board of revenue, court of county commissioners,

or other like governing body of any county having a population of not less than 96,000 nor more than 106,000.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 7 of Act No. 412, H. 878, Regular Session 1961 (Acts 1961, v. 1, p. 429), an act regulating the compensation of certain officers of counties having populations of not less than 96,000 nor more than 106,000, is amended to read as follows:

"Section 7. For the performance of the duties of each of the members of the board of revenue, the board of revenue shall by resolution fix the salary of each member thereof provided that the salary of the chairman of the board of revenue shall be not less than seven thousand, two hundred dollars (\$7,200) per annum nor more than twelve thousand dollars (\$12,000) per annum and the salary of each associate member of the board of revenue shall be not less than six thousand, six hundred dollars (\$6,600) per annum nor more than ten thousand dollars (\$10,000) per annum; provided further that any such salary shall not be fixed or changed less than thirty days before any election for the members of the board of revenue. The salaries herein provided shall be paid in equal monthly installments from the county treasury in the manner prescribed by law. Such compensation shall be in lieu of all other compensation heretofore provided by law for the chairman and members of such county governing body."

Section 2. This Act shall take effect on the first of the month next following the date of its enactment.

Approved September 1, 1965.

Time: 5:48 P. M.

Act No. 702

H. 947—Young

AN ACT

To regulate the salary of the jailer in Randolph County, payable out of the general funds of the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The jailer appointed by the sheriff of Randolph County shall receive a salary not to exceed \$3,600 per annum. Such salary shall be fixed by the court of county commissioners or like governing body of the county and shall be payable in equal monthly installments out of the general funds of the county.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 1, 1965.

Time: 5:49 P. M.

Act No. 703

H. 966—Bassett

AN ACT

Relating to counties having a population of not less than 25,800 nor more than 26,700 according to the most recent federal decennial census; to provide further for the selection of textbooks and instructional materials for use in the public schools in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in counties having a population of not less than 25,800 nor more than 26,700 according to the most recent federal decennial census. Provided, however, such county board of education or city board of education shall provide free textbooks to all grades which would be provided under the terms of Act No. 221, Special Session, 1965, H. 40.

Section 2. In any such county, the county board of education or any city board of education may select and adopt for use in the tax-supported public elementary and secondary schools under the jurisdiction of the board textbooks and instructional materials other than the textbooks and materials on the state-adopted list. Whenever textbooks and instructional materials are substituted for the state-approved or state-adopted books and materials, such books or materials shall be used by the teachers in the public schools under the jurisdiction of the selecting board in teaching any course or courses for which a substitution has been made.

Section 3. The provisions of Act No. 412, S. 261, Regular Session 1945 (General Acts 1945, p. 647), and of Act No. 22, H. 40, Special Session 1965 (Acts 1965, p. 288) which are inconsistent with this Act are superseded by this Act as to any such county.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 1, 1965.

Time: 5:50 P. M.

Act No. 704

H. 1037—Meade

AN ACT

Relating to Cherokee County; further regulating the salaries of the chairman and members of the county board of revenue.

Be It Enacted by the Legislature of Alabama:

Section 1. In Cherokee County, each member of the county board of revenue shall be paid an annual salary of \$3,600, and the chairman of said board shall be paid an annual salary of \$6,000. Such salaries shall be paid in equal monthly installments from the general fund of the county.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. The salaries herein provided for shall become effective at the beginning of the term of the next elected members of the County Board of Revenue.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, and upon its otherwise becoming a law.

Approved September 1, 1965.

Time: 7:20 P. M.

Act No. 705

H. 1050—Vacca, Morrow, Rast, Meeks, Gilmore, Sessions, Locke, Dominick, Bethea (M), Bowers, Brown (Jefferson), Hawkins, Perry

AN ACT

Relating to counties having a population of 600,000 or more according to the last or any subsequent federal decennial census; further providing for the procedure for redeeming lands sold for taxes in such counties; transferring certain functions and duties from the Judge of Probate to the Tax Collector; relieving the Judge of Probate of such duties; providing for the payment of all fees for such duties to the County Treasurer or County Depository to the credit of the general fund of such county and the payment of additional compensation to the Tax Collector for the performance of the additional duties and the additional responsibilities imposed by this act, effective with the next term of any such Tax Collector; and repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having a population of 600,000 or more according to the last or any subsequent federal decennial census, the procedure for redeeming lands sold for taxes in such counties shall be the same as is provided in Article 5, Chapter 14, Title 51, Code of Alabama of 1940, as amended, except that beginning October 1, 1965, all functions and duties required of or performed by the Judge of Probate prior to such date shall thereafter be transferred to and be performed by the Tax Collector; and the Judge of Probate shall on and after said date be relieved of all such duties.

Section 2. The Tax Collector shall collect all fees and commissions heretofore collected by the Judge of Probate in connection with redeeming lands sold for taxes. All such fees and commissions payable prior to October 1, 1965, to the Judge of Probate or on and after October 1, 1965, payable to the Tax Collector for such services shall be paid to the County Treasurer or County Depository for the credit of the general fund of such county. There shall be paid to the Tax Collector from the general fund of the County, as compensation for the performance of the additional functions and duties and the assumption of the additional responsibilities required by this Act \$1500 per year, to be paid in equal monthly installments of \$125 each, beginning with the next term for which a Tax Collector of such county shall be elected.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the parts which remain.

Section 4. All laws or parts of laws which conflict with this act are repealed to the extent of such conflict.

Section 5. This act shall take effect immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 1, 1965.

Time: 7:21 P. M.

Act No. 706

H. 1117—Burns, Nabors

AN ACT

Relating to counties having populations of not less than 96,000 nor more than 106,000, according to the most recent federal decennial census; further regulating the compensation and allowances of certain county officers.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 96,000 nor more than 106,000, according to the most recent federal decennial census, the members of the court of county commissioners, board of revenue, or other like governing body of the county, including the president or chairman thereof, shall each be entitled to expenses in the amount of \$1,800 per annum, which shall be payable in equal monthly installments from the general funds of the county at the end of each month. The amount herein provided for is in addition to all other allowances and remuneration provided by law. This Section shall take effect on the first of the month next following the date of its enactment, however, it shall expire on the expiration of the terms of office of the incumbent members of the county governing body, at which time all laws or parts of laws providing specific sums or amounts for expenses for such officers shall stand repealed. This repeal shall not apply, however, to general, local, or special laws providing in general terms for reimbursement of expenses incurred by such officers.

Section 2. The compensation of each of the deputies of the sheriff of any such county shall be a monthly salary, as follows:

For the chief deputy, \$500 a month;

For the assistant chief deputy, \$450 a month;

For the other deputy, \$400 a month.

Section 3. This Act shall take effect on the first of the month next following the date of its enactment.

Approved September 1, 1965.

Time: 7:22 P. M.

Act No. 707

H. 1124—Campbell (Jackson)

AN ACT

TO ALTER, REARRANGE AND EXTEND THE BOUNDARY LINES AND CORPORATE LIMITS OF THE CITY OF SCOTTSBORO, IN JACKSON COUNTY, ALABAMA; AND TO PRESCRIBE THE TIME WHEN THIS ACT SHALL BECOME EFFECTIVE.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines and corporate limits of the City of Scottsboro, in the County of Jackson, State of Alabama, be and the same are hereby altered, rearranged and

extended so as to include within the corporate limits of said City of Scottsboro, all of the territory lying within the County of Jackson included within the following boundaries, namely:

Begin at the Southwest corner of Section 23, Township 5 South, Range 5 East, then run North with Section line to Southwest corner of Section 11, Township 5 South, Range 5; thence East to Southeast corner of Southwest quarter of the Southwest quarter of Section 11; thence Northeast to the Northeast corner of the Northeast quarter of the Northwest quarter of Section 11; thence East along Section line to Northeast corner of the Northwest quarter of the Northeast quarter of Section 11; thence run in a Northerly direction and parallel to the East boundary of Section 2, Township 5 South, Range 5 East, crossing said Section and Sections 35 and 26, Township 4 South, Range 5 East to the Northwest corner of the Northeast quarter of the Northeast quarter of Section 26, Township 4, South, Range 5 East; thence North along the West boundary of the East half of the Southeast quarter of Section 23, Township 4 South, Range 5 East to the South right of way line of the Lee Highway; thence Northwest along the South right of way of the Lee Highway to the West boundary of the East half of said Section 23; thence run North along the West boundary of the East half of said Section 23 and to the South right of way line of the Old Larkinsville Road; thence run West along the South right of way of the Old Larkinsville Road one-fourth mile and to the West boundary of the Northeast quarter of the Northwest quarter of said Section 23; thence run North along the West boundary of said Northeast quarter of the Northwest quarter of said Section 23, and along the West boundary of the Southeast quarter of the Southwest quarter of Section 14, Township 4 South, Range 5 East to the North boundary of the South half of the South half of Section 14, Township 4 South, Range 5 East; thence East along the North boundary of the South half of the South half of said Section 14 to the West boundary of the East half of the Southeast quarter of said Section 14; thence run North along the West boundary of the East half of the Southeast quarter of said Section 14 to the Northwest corner thereof; thence East to the center of Section 13, Township 4 South, Range 5 East; thence Southeast to the Southeast corner of said Section 13; thence run East with the North line of Sections 19 and 20, Township 4 South, Range 6 East and to the Northwest right of way line of the Southern Railroad at or near the Northeast corner of said Section 20; thence run Northeast along the Northwest right of way line of the Southern Railroad to the East boundary of the West half of the West half of Section 16, Township 4 South, Range 6 East; thence North to the Southeast corner

of the Northwest quarter of the Northwest quarter of said Section 16; thence West to the West boundary of said Section 16; thence North to the Northwest corner of said Section 16; thence West to the Southwest corner of the Southeast quarter of the Southeast quarter of Section 8, Township 4 South, Range 6 East; thence North to the Northwest corner of said Southeast quarter of the Southeast quarter; thence East with the North boundary of the South half of the South half of Sections 8 and 9, Township 4 South, Range 6 East to the East boundary of the West half of said Section 9; thence run North to the center of said Section 9; thence run East to the Northeast corner of the West half of the Southeast quarter of said Section 9; thence South to the South boundary of said Section 9; thence West along the South boundary of said Section 9, 2279.6 feet to the west right of way line of McFoilton Lane; thence run South $17^{\circ} 11'$ West 497.2 feet and to the Southeast corner of Lot 10, Block 2A of the Patrick Investment Company Property according to a survey made by B. M. Ballard dated April, 1965; thence run South $72^{\circ} 49'$ East 298.7 feet; thence South 85° East 568 feet and to the West right of way line of a County Road; thence run South $0^{\circ} 22'$ West along the West right of way line of said County Road 940.2 feet; thence run North $89^{\circ} 08'$ West 539.5 feet; thence run South $73^{\circ} 0'$ West 265.5 feet; thence run South $0^{\circ} 05'$ West 213.3 feet and to the North right of way line of McFoilton Lane; thence run along the North right of way line of McFoilton Lane North 73° East 349.2 feet and South $89^{\circ} 08'$ East 613 feet and to the East right of way line of a County Road at or near the Southern Railroad right of way; thence run Southeast along the East right of way of said County Road to the Southeast right of way line of the Southern Railroad; thence run Southwest along the Southeast right of way line of the Southern Railroad to the South boundary of the North half of said Section 16; thence East to the middle of said Section 16; thence North along the West boundary of the East half of said Section 16, 575 feet; thence run East 675 feet; thence run North to the North right of way of a county road; which right of way is the South boundary of Estate No. 13 of the Rural Estates Subdivision as the same is shown by a map or plat thereof recorded in Town Plat Book "A" at page 198 in the office of the Probate Judge of Jackson County, Alabama; thence run East along the North right of way line of said County Road to a branch which is shown on said plat crossing said Estate No. 13; thence run in a Northeasterly direction along said branch as the same meanders to the Northeast boundary of said Estate No. 13; thence run Southeast along the Northeast boundary of said Estate No. 13 to the Northwest right of way

line of the Lee Highway; thence run Northeast with the Lee Highway to the East boundary of the West half of the East half of said Section 16; thence run South to the Southwest corner of the Southeast quarter of the Southeast quarter of said Section 16; thence run East to the Southeast corner of said Section 16, thence run South with the East Section line of Sections 21 and 28 of Township 4 South, Range 6 East to the Southeast corner of said Section 28; thence East with South Section line of Section 27, Township 4 South, Range 6 East to the Southeast corner of said Section 27; thence South with East line of Section 34, Township 4 South, Range 6 East and extending said line across McNary Reservation to the Northwest shore line of Gunter'sville Reservoir of the Tennessee River; thence Southwest with said shore line, passing Corner Bridge to Roseberry Creek Embayment and to where said shore line intersects the East Section line of Section 18, Township 5 South, Range 6 East; thence continue West and Northwest with the meanderings of said shore line to a point where said shore line intersects with the North section line of said Section 18; thence run West with said Section line to the Northwest corner of said Section 18; thence run Southwest crossing Sections 13 and 23 of Township 5 South, Range 6 East to the Southwest corner of Section 23 and the point of beginning.

Section 2. Any laws or parts of laws, which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage, and approval by the Governor, or upon its otherwise becoming law.

Section 4. Be it further enacted that the North Alabama Electric Cooperative, its successors or assigns, be and it is hereby granted the exclusive right, or franchise, to furnish electrical power to customers that it now furnishes such power to although they may be included in an area that is being included within the corporate boundary of the City of Scottsboro by this act, and the City of Scottsboro, The Scottsboro Electric Power Board, nor any of their agencies shall acquire any right to serve such customers by reason of their being included within the city limits of said city.

Section 5. Should any part of this act be declared to be invalid by any court of competent jurisdiction such declaration, judgment or decree shall not affect the validity of the remainder of said act.

Approved September 1, 1965.

Time: 7:24 P. M.

Act No. 708

H. 1172—Hester

AN ACT

To amend Act No. 515, H. 756, Regular Session 1963 (Acts 1963, p. 1100), an act providing for a privilege license tax in Franklin County on the sale, distribution, storage, use, or other consumption in the county of cigarettes and cigars.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 515, H. 746, Regular Session 1963 (Acts 1963, p. 1100) is hereby amended to read as follows:

"Section 1. In addition to all other taxes imposed by law, every person, firm, or corporation who sells, stores, delivers, uses, or otherwise consumes, cigarettes or cigars in Franklin County shall pay a privilege license or tax in the following amount:

"(a) One cent (\$0.01) for each package of cigarettes made of tobacco or substitute therefor.

"(b) One cent (\$0.01) for each package of twenty little cigars made of tobacco or any substitute therefor.

"(c) One cent (\$0.01) for each cigar of any description other than those described in (b) above made of tobacco or any substitute therefor.

"Provided, however, when the license tax hereby required to be paid shall have been paid by a wholesaler or seller of cigarettes and cigars such payment shall be sufficient, the intent being that such license tax hereby required to be paid shall be paid but once on each package of cigarettes, on each package of little cigars and on each cigar."

Section 2. This Act shall become effective October 1, 1965.

Approved September 1, 1965.

Time: 7:26 P. M.

Act No. 709

H. 1173—Faulk

AN ACT

To Provide for an expense allowance for the Circuit Solicitor of the 33rd Judicial Circuit of Alabama, who resides and has an office at the County site of Geneva County, Alabama; and providing for the payment of such expense allowance out of the General Fund of Geneva County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1: Upon the passage and approval of this Act, the Circuit Solicitor of the 33rd Judicial Circuit of Alabama, who resides and has an office at the County site of Geneva County, Alabama, shall receive an expense allowance for the purpose of defraying expenses in the performance of his official duties and shall be in the amount of \$1200.00 per annum to be paid by Geneva County. The expense allowance hereby authorized shall be paid in equal monthly installments out of the General Fund of said County, and such expense allowance shall be in addition to all other compensation now authorized by law.

Section 2: This Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 1, 1965.

Time: 7:27 P. M.

Act No. 710

H. 1186—Hankins

AN ACT

To regulate further the duties and compensation of members of the court of county commissioners, board of revenue or like governing body of all counties having a population of not less than 13,650 nor more than 14,350, according to the 1960 or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in counties having a population of not less than 13,650 nor more than 14,350, according to the 1960 or any subsequent federal decennial census.

Section 2. In addition to all other duties now imposed upon them by law, the members of courts of county commissioners, boards of revenue or like governing bodies of all counties within the scope of this Act shall:

(a) The court of county commissioners, board of revenue or like governing body of each such county shall hold regular meetings during the second and fourth weeks in each month of the year on a day to be determined, from time to time, by the county governing body, and at such other times as are now provided by law.

(b) Each member of the court of county commissioners, board of revenue or like governing body of each such county

shall superintend the construction and maintenance of all public roads and bridges in his district, and shall make such reports of his activities to the county governing body, from time to time, as are necessary to keep the county governing body informed as to the condition of the public roads and bridges in his district.

(c) Each member of the court of county commissioners, board of revenue or like governing body of each such county shall perform such duties in connection with the construction and maintenance of public roads and bridges in his county as may be assigned to him, from time to time, by the governing body, and shall make such reports of his activities to the county governing body, from time to time, as are necessary to keep the county governing body informed in regard to same; provided, however, that each member shall be furnished, at the expense of the county, a pick-up truck to be used by him in the performance of his duties.

Section 3. The members of the courts of county commissioners, boards of revenue or like governing bodies of all counties within the scope of this Act shall receive compensation, for the performance of all duties now imposed upon them by law, in an amount to be determined by the county governing body, which amount shall be fixed at not less than two thousand four hundred dollars (\$2,400) nor more than four thousand eight hundred dollars (\$4,800) per annum.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 1, 1965.

Time: 7:28 P. M.

Act No. 711 H. 1190—McDermott, Engel, Collins (Mobile),
Downing, Hogan, Edington

AN ACT

To provide retirement allowances for certain elected officials and former elected officials of Mobile County and of incorporated municipalities therein; providing for contributions by elected officials from the salaries paid them as public officials; providing for approval of a

majority of the voters in the respective political subdivisions before the provisions of this act can become operative as to any such subdivision.

Be It Enacted by the Legislature of Alabama:

Section 1. As used in this act, the term "elected official" shall include the mayors and members of the boards of commissioners and city and town councils of every incorporated municipality in Mobile County and shall also include the following officials of Mobile County: members of the County Commission, tax assessor, tax collector, treasurer, commissioner of licenses, judge of probate, judges of the Court of General Sessions, circuit clerk and sheriff. It shall not include circuit judges, circuit solicitor, county administrator, county coroner, members of the Board of School Commissioners or members of the legislature from Mobile County. The term "former elected official" shall mean any person who has formerly served in any one or more of the offices described by the term "elected official".

Section 2. Each former elected official who has served not less than eighteen (18) years in said office or a combination of two or more of said offices shall be entitled to, and shall be paid, a retirement allowance equal to fifty per cent (50%) of average compensation in such official's ten highest-paid years while in covered office.

Section 3. Each elected official who, upon completion of his service in a covered office or combination thereof, shall have served not less than eighteen (18) years in said office or combination thereof and who shall contribute an amount equal to two and one-half per cent (2½%) of the annual salary of the covered office in which he serves, shall be entitled to, and shall be paid, a retirement allowance equal to fifty per cent (50%) of average compensation in such official's ten highest-paid years while in covered office. Such contribution shall be paid in equal monthly installments to the general fund of the governmental unit which such official serves.

Section 4. The retirement benefits provided for in Sections 2 and 3 above shall start when the person entitled thereto attains his 65th birthday, if male, or her 62nd birthday, if female. However, retirement benefits shall start for an eligible participant earlier in the event of total and permanent disability. Total and permanent disability means a physical or mental condition of an eligible participant resulting from a bodily injury or disability or mental disorder which renders him incapable of engaging in an occupation and performing any work for profit, which disability shall be certified by one physician

selected by participant and one physician selected by the governing body of the political subdivision responsible for payment of the retirement benefit. If the physicians thus selected cannot agree, they shall select a third physician and the decision of the majority of the three shall be controlling. Provided further, that nothing contained in this act shall be construed to entitle a participant to a retirement benefit who has not served a minimum of eighteen (18) years in one or more of the elective offices as above defined, nor to entitle any participant to a retirement benefit while he is still in covered office.

Section 5. The retirement benefits provided by this act shall be paid from the general funds of the governmental unit or units which paid the salary of the official during covered office. In the event that any entitled participant shall have served as an elected official of more than one such governmental unit within the county, each such governmental unit shall pay to the entitled participant its pro rata share of the total benefit to which he is entitled. The pro rata share to be paid by each such governmental unit shall be based on the number of years comprising the ten highest years of compensation that the participant served with such governmental unit. The governing body or bodies of the obligated governmental units shall order the payments provided in this act paid from their respective general funds, with the annual benefit to be paid in equal monthly installments not later than the tenth day of each month following the month for which the allowance is due.

Section 6. Nothing contained in this act shall be construed as making participation through contributions by elected officials as mandatory, but any such official who does not participate by contribution shall not be entitled to the retirement benefits provided by this act. Any elected official who commences contributions but who does not serve a total of eighteen (18) years as herein provided shall be entitled, or in the event of his death his personal representative shall be entitled to a refund of the total amount of money, without interest, thus contributed by such elected official during his service, upon making verified claim therefor to the governing body or bodies of the affected governmental unit or units. Any elected official who fails to make the contributions herein provided shall not thereafter be allowed to pay past accrued contributions in order to avail himself of the benefits afforded by this act.

Section 7. Former elected officials shall not be required to make contributions in order to be eligible for the benefits

afforded by this act, but elected officials in office at the time the provisions of this act become operative, in order to be eligible for the benefits provided hereby, shall be required to commence contributions beginning with the first month next following the date when the provisions of this act become operative. Subsequently-elected officials, in order to be thus eligible, shall commence contributions upon taking office.

Section 8. Neither the retirement benefits afforded by this act, nor the particular offices covered hereby nor the number of years' service herein designated as minimum shall be enlarged or amended without the affirmative vote of a majority of the qualified electors of the county or affected municipality voting in a referendum held for that purpose.

Section 9. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. The provisions of this act shall become operative as to elected officials holding, and former elected officials who held, countywide office only when approved by a majority of the qualified electors of the county voting in a referendum held for that purpose, and as to elected and former elected municipal officials, only when approved by a majority of the qualified electors of the affected municipality voting in a referendum held for that purpose. The first referendum for the county and all municipalities therein shall be held on the same day as the first countywide primary, general, or special election held in the county after the passage of this act. The county commission of Mobile County shall order and provide for holding the referendum on such date. Subsequent elections on the question may be ordered and provided for by the governing body of the county or any municipality at intervals of not less than one year if the county or such municipality fails to approve the act. Any election held hereunder shall be governed by the laws applicable to general elections held in Mobile County.

Section 11. All laws or parts of laws which conflict with this act are hereby repealed.

Approved September 1, 1965.

Time: 7:29 P. M.

Act No. 712

H. 1214—Heflin

AN ACT

To apply only in counties having populations of not less than 25,500

nor more than 25,700; providing expense allowance for members of the county board of equalization payable from the general funds of the county; giving the act retroactive effect and repealing Act No. 187, Acts of Alabama 1964, page 253.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 25,500 nor more than 25,700, according to the most recent federal decennial census, the chairman and each member of the county board of equalization shall be entitled to \$5.00 a day for expenses for each day's attendance on meetings of the board as provided by law. The allowance herein provided for shall be in addition to the per diem provided members of the county board of equalization and shall be paid from the general fund of the county.

Section 2. This act shall be given retroactive effect to August 28, 1964.

Section 3. Act No. 187, Acts of Alabama 1964, page 253, is hereby repealed.

Approved September 1, 1965.

Time: 7:08 P. M.

Act No. 713

H. 1215—Owens, Burns, Nabors

AN ACT

Relating to counties having populations of not less than 96,000 nor more than 106,000; providing for the payment of an expense allowance to the judge of the county court in any such county.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other compensation and allowances provided by law, the judge of the county court of any county having a population of not less than 96,000 nor more than 106,000, according to the most recent federal decennial census, shall receive an expense allowance of one hundred fifty dollars (\$150) per month, payable out of the county treasury.

Section 2. This Act is cumulative.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 1, 1965.

Time: 7:09 P. M.

Act No. 714 H. 1216—Rast, Hawkins, Morrow, Etheredge,
Perry, Meeks, Vacca, Sessions,
Brown (Jefferson), Gilmore,
Locke, Bethea (M), Dominick,
Bowers

AN ACT

To provide for the calculation and payment of salaries on a monthly, semi-monthly, each two weeks or weekly basis of all elected officials in counties in this State having a population of 500,000 or more according to the last, or any subsequent Federal census; to provide for the repeal of all laws or parts of laws, general, special or local in conflict herewith; and to provide for the effective date of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1: That upon the passage and approval of this Act, the County Commission, Board of Revenue, or other governing body and the County Treasurer or similar officer in all counties of this State having a population of 500,000 or more according to the last, or any subsequent Federal census may calculate and pay the salaries of all elected officials in any county subject to this Act on a monthly, semi-monthly, each two weeks, or weekly basis, as may be fixed by the governing body of such county, provided that such pay roll period fixed shall not result in any such elected official being paid, during the period of any calendar year, any amount less or greater than the salary or compensation fixed and prescribed for such official by statute.

Section 2: All laws, or parts of laws, general, local, or special, in conflict with this Act are hereby repealed.

Section 3: This Act shall become effective upon its passage and approval by the Governor.

Approved September 1, 1965.

Time: 6:18 P. M.

Act No. 715 H. 1218—Rast, Hawkins, Morrow, Etheredge,
Perry, Meeks, Vacca, Sessions,
Brown (Jefferson), Locke, Dominick,
Bethea (M), Bowers, Gilmore

AN ACT

To further amend Act No. 248 of the Regular Session of the Legislature of Alabama of 1945, approved July 6, 1945 (General Acts of Alabama of 1945, pages 376-400) as heretofore amended.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 24 of Act No. 248 of the Regular Session of the Legislature of Alabama of 1945, approved July 6, 1945 (General Acts of Alabama of 1945, pages 376-400) is hereby amended so as to read as follows:

"Section 24. Certification of payrolls. It shall be unlawful for the fiscal officer of either a county or any municipality affected by this Act to draw, sign, issue or authorize the drawing, signing, or issuing of any warrant on the treasurer or other disbursing officer of either the municipality or the county for the payment of or for the treasurer or other disbursing officer to pay any salary or compensation to anyone holding any position subject to the provisions of this Act unless the estimate, payroll, warrant, or account for such salary or compensation containing the name of the person to be paid shall bear the certification of the director of personnel, that the person or persons named in the estimate, payroll, warrant, or account are holding hereunder and are legally entitled to receive the sums stated therein. Any sum paid contrary to any provision of this Act or of any rule, regulation or order thereunder may be recovered, in an action maintained in the name of the county or municipality by the county or city attorney, or by any citizen or taxpayer of the county or municipality from any officer who made, approved or authorized such payment or who signed or counter-signed a voucher, payroll, check or warrant for such payment, or from the sureties on the official bond of any such officer. All moneys recovered in any such action shall be paid into the treasury from which payment was made. The county or city attorney or any citizen or taxpayer of the county or municipality may likewise maintain a suit to restrain a disbursing officer from making any payment in contravention of any provision of this Act or any rule, regulation or order thereunder. Any person appointed or employed in contravention of any provision of this Act or of any rule, regulation or order thereunder who performs service for which he is not paid, may maintain an action against the officer or officers who purported so to appoint or employ him to recover the agreed pay for such services, or the reasonable value thereof if no pay was agreed upon. No officer shall be reimbursed by the county or municipality at any time for any sum paid to such person on account of such services. If the director wrongfully withholds certification of the payroll voucher or account of any employee, such employee may institute a proceeding to compel the director to certify such payroll voucher or account. The director of personnel shall have the authority to establish rules for calculating pay for payroll purposes. The said rules shall prescribe that pay may be cal-

culated on a bi-weekly semimonthly or upon a 30-day month basis, or upon any other basis deemed appropriate by the governing body of a county or municipality, affecting the employees of the said county or municipality; provided, however, that no such rule shall result in any employee being paid during the period of any one year any amount less than or greater than the pay established under Section 12 of this Act for the position held by such employee, or the positions held by him in case he holds more than one position during said period. In order to prevent evasions of the purpose of this Act, the board may require that payrolls for the payment of persons in the unclassified service, except officials exempted from this Act, be submitted for certification in the same manner as herein provided for payrolls covering employees holding positions in the classified service. It shall be unlawful for any person to make or authorize a payment of such payroll after notice by the board that such certification shall be required."

Section 2. This Act shall become effective upon its approval by the Governor or upon its otherwise becoming a law.

Approved September 1, 1965.

Time: 7:07 P. M.

Act No. 716

H. 1219—Hannah, Boston

AN ACT

Relating to all counties in the State of Alabama having a population of not less than 60,500 nor more than 65,000 inhabitants according to the last or any subsequent federal decennial census; further regulating the execution of civil processes issued by justice of the peace courts and ex officio justice of the peace courts in precincts lying within, or partly within, any city or incorporated town having more than fifteen hundred inhabitants and located in a county to which this Act applies; providing that all such civil processes issued by such justice of the peace courts and ex officio justice of the peace courts shall only be executed or served by the regular constable elected or appointed to serve such precinct, or by deputy constables appointed by him, or by the Sheriff or Chief Deputy Sheriff of such county, or by any deputy sheriff of such county whose compensation is regularly paid from the general funds of such county under authorization of local legislation enacted by the legislature of Alabama; further authorizing the appointment of not more than three deputy constables by the regular constable elected or appointed to serve such precinct and prescribing their qualifications, powers and duties.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply in all counties having a population of not less than 60,500 nor more than 65,000 inhabitants according to the last or any subsequent federal decennial census.

Section 2. It is the express intent of this Act to further regulate the execution of civil processes issued by justice of the peace courts and ex officio justice of the peace courts in precincts lying within, or partly within, any city or incorporated town having more than fifteen hundred inhabitants which is located in a county to which this Act applies. From and following the effective date of this Act all such civil processes issued by such justice of the peace courts and ex officio justice of the peace courts in a county and precinct to which this Act applies shall only be executed in his own proper person by the regular constable elected or appointed to serve such precinct pursuant to Section 168 of the Constitution of Alabama, 1901, and Title 54, Sections 28 and 29, Code of Alabama, 1940, or in their own proper person by deputy constables appointed by such regular constable pursuant to the authority conferred upon him by this Act, or in their own proper persons by the Sheriff or Chief Deputy Sheriff of such county, or in their own proper persons by any deputy sheriff of such county whose compensation is regularly paid from the general funds of such county under authorization of local legislation heretofore or hereafter enacted by the Legislature of Alabama.

Section 3. Every regular constable elected or appointed to serve any precinct referred to and described in preceding Section 2 of this Act pursuant to Section 168 of the Constitution of Alabama, 1901, and Title 54, Sections 28 and 29, Code of Alabama, 1940 is hereby authorized and empowered to appoint not more than three deputy constables for the sole purpose of assisting him in the execution of civil processes, which deputy constables shall possess all the qualifications required by law of such regular constable and shall hold office at his pleasure. Before entering upon the duties of his office each such deputy constable must give bond in like kind and amount as prescribed by law for the regular constable. Such deputy constables shall be eligible to perform the duties of constable only in the execution of civil processes issued by justice of the peace courts and ex officio justice of the peace courts lying within the precinct which their appointing constable was elected or appointed to serve.

Each such deputy constable shall look solely to his appointing constable for compensation for the fulfillment of his duties.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 1, 1965.

Time: 6:49 P. M.

Act No. 717

H. 1220—Hannah, Boston

AN ACT

Relating to all counties in the State of Alabama having a population of not less than 60,500 nor more than 65,000 inhabitants according to the last or any subsequent federal decennial census; authorizing the court of county commissioners or other like governing body of such counties to set aside, appropriate, use and expend county funds or revenues for the purpose of providing contributions to non-profit Community Action Committees, boards and groups heretofore formed in such counties under the Economic Opportunity Act of 1964, Public Law 88-452, 88th Congress, S. 2642 and approved by the Office of Economic Opportunity.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply in all counties having a population of not less than 60,500 nor more than 65,000 inhabitants according to the last or any subsequent federal decennial census.

Section 2. The court of county commissioners or like governing body in all counties to which Act applies is hereby authorized to set aside, appropriate, use and expend county funds or revenues for the purpose of providing contributions to non-profit Community Action Committees, boards and groups heretofore or hereafter formed in such counties under the Economic Opportunity Act of 1964, Public Law 88-452, 88th Congress, S. 2642 and approved by the Office of Economic Opportunity.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 1, 1965.

Time: 6:20 P. M.

Act No. 718

H. 1232—Hogan, Engel

AN ACT

To alter and rearrange the boundaries between the cities of

Mobile and Prichard so as to detach certain territory from the city of Mobile and annex the same to the City of Prichard.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary line between the city of Mobile and the City of Prichard in Mobile County shall be altered and rearranged so as to incorporate within the city of Prichard the following described territory which now lies within the corporate limits of the city of Mobile, to-wit:

"Begin at a point on the centerline of Alley No. 7 in the Owens Division of the St. Louis Tract, as shown by map of the survey of said division of the St. Louis Tract, as recorded in Deed Book 220 N.S., page 291-3 of the records in the probate office of Mobile County, Alabama, said point being where the centerline of said Alley No. 7 is intersected by the City Limit line between the city of Prichard and the city of Mobile, said point being located 166.15 feet Southwestwardly from the intersection of the centerline of Canal Street with the centerline of Alley No. 7; thence run N 32° 16' W and parallel with Canal Street 844.10 feet to a point which is 400 feet North of the South line of Lot 22, Range 2 West, of the Owens Division of the St. Louis Tract; thence run West 1100 feet; thence run South 1320 feet; thence run West 301.36 feet to a point on the centerline of a 30 foot lane, thence along the centerline of said lane run S 32° 11' E a distance of 698.92 feet to its intersection with the centerline of Alley No. 7; thence along the centerline of Alley No. 7 run N 51° 00' E, 1888.26 feet to the point of beginning."

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 1, 1965.

Time: 6:19 P. M.

Act No. 719

H. 1234—Rogers, Edington, Engel

AN ACT

To authorize the Director of Conservation to open a season in counties having a population of not less than 300,000 nor more than 500,000, for the hunting of female deer or unantlered male deer.

Be It Enacted by the Legislature of Alabama:

Section 1. Any law of the State of Alabama to the contrary notwithstanding, the Director of Conservation is hereby

authorized to open a season in counties having a population of not less than 300,000 nor more than 500,000 for the hunting, taking, capturing and killing of female deer or unantlered male deer by a duly promulgated regulation when, in his best judgment, he deems it necessary for biological reasons or because of crop damage to open the season on such deer.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 1, 1965.

Time: 7:05 P. M.

Act No. 720

H. 1235—Bassett

AN ACT

Relating to counties having populations of not less than 25,800 nor more than 26,700; providing an expense allowance for the superintendent of education in any such county.

Be It Enacted by the Legislature of Alabama:

Section 1. The county superintendent of education of all counties having populations of not less than 25,800 nor more than 26,700, according to the most recent federal decennial census, shall be entitled to receive an expense allowance of \$1,800 per annum, payable in equal monthly installments at the end of each month from the county school funds. The expense allowance herein provided shall be in addition to other allowances provided by law for the county superintendent of education of any such county.

Section 2. This Act is cumulative.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 1, 1965.

Time: 7:04 P. M.

Act No. 721

H. 1236—Brown (Tuscaloosa), Campbell
(Tuscaloosa)

AN ACT

To provide an expense allowance for the Clerk of the Circuit Court in all Counties in the State of Alabama having a population of not less than One Hundred Thousand (100,000) nor more than One Hundred

Fifteen Thousand (115,000) inhabitants according to the last or any subsequent Federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. The Clerk of the Circuit Court in all counties in the State of Alabama having a population of not less than One Hundred Thousand (100,000) nor more than One Hundred Fifteen Thousand (115,000) inhabitants according to the last or any subsequent Federal decennial census shall each be allowed a monthly expense allowance of One Hundred Dollars (\$100.00) for expenses incurred in the performance of his official duties from the date this Act becomes effective to the expiration of his present term of office. This amount shall be paid from the County Treasury and shall be in addition to any other allowance or emolument of office prescribed by law.

Section 2. The provision of this Act shall be effective only until the expiration of the term of office of each of said Clerks in January, 1967.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 1, 1965.

Time: 7:02 P. M.

Act No. 722

H. 1238—Cook

AN ACT

To authorize the court of county commissioners, board of revenue, or other like governing body of Coffee County to make an appropriation from the county treasury for the relief of D. B. Adkinson, a deputy sheriff who was injured in the line of duty.

Be It Enacted by the Legislature of Alabama:

Section 1. The court of county commissioners, board of revenue, or other like governing body of Coffee County may, in its discretion, appropriate county funds, from any funds in the county treasury not otherwise appropriated, not exceeding \$1,500, for the purpose of compensating D. B. Adkinson, a deputy sheriff who was injured while he was lawfully engaged in the discharge of his duties, for loss of time and for medical and hospital expenses incurred as a result of such injury or injuries.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 1, 1965.

Time: 7:03 P. M.

Act No. 723

H. 1239—Edwards (Escambia)

AN ACT

Relating to Escambia County; requiring the tax collector to send certain notices to taxpayers by mail, and providing for the cost of payment for postage.

Be It Enacted by the Legislature of Alabama:

Section 1. The tax collector of Escambia County shall be required to send notices to taxpayers of the amount of tax due in said county not later than November 15th of each year.

Section 2. Such notices shall be sent through the United States mail, and the cost of postage therefor shall be paid out of the general fund of the county. The court of county commissioners, board of revenue, or other like governing body of the county shall provide the tax collector with necessary duplicating and addressing machines or devices for the purpose of preparing and mailing such notices.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. This Act shall take effect October 1, 1966.

Approved September 1, 1965.

Time: 7:01 P.M.

Act No. 724

H. 1240—Edwards (Escambia)

AN ACT

Relating to Escambia County; providing expense allowances for the chairman and members of the board of county commissioners; amending Sections 2 and 4 of Act No. 411, H. 742, Regular Session 1963.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 411, H. 742, Regular Session 1963 (Acts 1963, p. 912) is amended to read as follows:

"Section 2. A chairman of the Board shall be elected by the qualified electors of the county at the general election of state and county officers in 1964, and every four years thereafter, and shall hold office for a term of four years from the first Monday after the second Tuesday in January next following his election, and until his successor is elected and qualified. The chairman

must possess the same qualifications for office as the general law prescribes for probate judges. He shall be entitled to an annual salary of three thousand six hundred dollars (\$3,600) payable from the county treasury in equal monthly installments, which shall be his entire compensation for performance of the duties of his office and all ex officio duties imposed by law. In addition, he shall be entitled to an allowance for expenses in the amount of one thousand eight hundred dollars (\$1,800) per annum, which shall be payable from the county treasury in equal monthly installments."

Section 2. Section 4 of said Act is amended to read as follows:

"Section 4. The associate members of the Board shall each receive an annual salary of three thousand three hundred dollars (\$3,300). The salaries of the associate members of the Board shall be paid in equal monthly installments from any funds in the county treasury available for that purpose, and shall be their entire compensation for the services required of them by this Act. In addition to his salary, each member of the Board shall also be entitled to an allowance for expenses in the amount of one thousand five hundred dollars (\$1,500) per annum which shall be payable from the county treasury in equal monthly installments."

Section 3. This Act shall become effective October 1, 1965.

Approved September 1, 1965.

Time: 7:00 P. M.

Act No. 725

H. 1241—Edwards (Escambia)

AN ACT

To provide further for purging the lists of registered voters in Escambia County, requiring and prescribing the procedure for reidentification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the reidentification of registered voters; and providing penalties for making a willful false statement in connection with reidentification.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of registrars of Escambia County is hereby directed to purge all lists of the qualified electors in the county to the end that the names of all persons who are deceased or nonresidents of the county, or have otherwise become disqualified from voting in Escambia County, shall be removed from such lists, and that the name of each qualified elector shall

appear only on the list of qualified electors for the beat in which he resides.

Section 2. The board of registrars shall omit and remove from the lists of qualified electors of the county the name of any person who fails to reidentify himself, in the manner prescribed herein, before the first day of January 1968.

Section 3. Prior to the first day of January 1968, the board of registrars of Escambia County is hereby authorized, directed, and required to visit each beat in the county at least once, and more often if necessary, and remain there at least one day from nine o'clock in the morning until five o'clock in the afternoon, for the purpose of enabling qualified and registered voters residing in the beat to appear before the board and reidentify themselves. The board shall give at least ten days' notice, by advertisement in a newspaper published in the county, of the time when, and the place in the beat where, they will attend for the purpose of enabling voters to appear and reidentify themselves. Upon failure to give such notice, or to attend any appointment made by them in any beat, they shall, after like notice, fill new appointments. The board shall remain in session for thirty days. During the 30 day session the board shall visit each beat on at least one day and the remainder of the time may be divided as the board of registrars deem necessary, to enable the qualified electors of the county to appear and reidentify themselves in the manner prescribed herein.

Section 4. Each member of the board of registrars shall receive ten dollars per day, for each day's attendance upon the special sessions of the board required under the provisions of this Act; but if such special session is held on the same day a regular session is required to be held under the laws of this State, registrars shall receive only one per diem allowed for performing their regular duties, it being the intent and purpose of this Act that registrars shall be entitled to receive only one per diem allowance for one day's service. If one or more of the members of the board shall refuse, neglect, or be unable to serve, or if a vacancy or vacancies occur in the membership of the board from any cause, the Governor, State Auditor, and Commissioner of Agriculture and Industries, or a majority of them, shall forthwith make other appointments to fill such vacancies.

Section 5. The voter may reidentify himself by appearing in person before the board of registrars or by appearing before the judge of probate, or either of the clerks in the office of the judge of probate, or before the board of registrars in regular session, and answering such questions and submitting such proof under oath, as the board may require in order to establish the voter's identity, place of legal residence, and the fact that the

voter has not become disqualified from voting in the county. Provided, however, that a member of the armed forces of the United States of America or his spouse may reidentify himself in person or by United States mail on application as provided by the board of registrars. In addition, a qualified elector may reidentify himself at any primary or general election held in the county after this Act becomes effective by filling out and signing the questionnaire form prescribed in Section 9 in the presence of any election officer appointed to serve at the election. The returning officer shall return all executed questionnaire forms to the judge of probate or chairman of the board of registrars.

Section 6. The board of registrars shall meet on the first Monday in January 1968, for the purpose of purging the registration lists and the names of all persons who have failed to appear and reidentify themselves by January 1, 1968, in the manner herein prescribed shall be stricken from the lists; provided, however, that said board shall not strike the name of any person, or of the spouse of any person, known by any member of said board, or made known to said board by the written affidavit of another qualified elector, to be in active duty of any of the armed forces of the United States of America, and to be stationed, or to be living with her or his spouse, as the case may be, outside of Escambia County, Alabama, during the period of time from the effective date hereof to January 1, 1968.

Section 7. Any person who shall have his name omitted or removed from the list of qualified electors in the county by failure to appear and reidentify himself as herein provided by January 1, 1968, may have his name restored to the list of qualified electors only by appearing before the board of registrars and registering in the manner provided by law.

Section 8. The court of county commissioners of Escambia County is hereby authorized, directed, and required to furnish the board of registrars with the supplies, equipment, maps, printed forms, stationery and newspaper advertisements necessary for the reidentification of voters as herein provided. Provided further that the sum of one hundred dollars (\$100) be paid to each member of the board of registrars for expenses in carrying out the provisions of this Act.

Section 9. The questionnaire to reidentify a voter shall be in substantially the following form:

VOTERS REIDENTIFICATION QUESTIONNAIRE

Escambia County, Alabama

Date _____, 196_____

Name _____

Last

First

Middle

Legal Residence Address _____
 _____ Street
 City or Town _____
 State _____ Place of Birth _____
 Date of Birth _____ Sex _____ Race _____
 Occupation _____
 Name of Employer _____

I now vote and I am a qualified elector in Precinct or Beat No. _____, Box No. _____, Escambia County, and I have not been disqualified from voting in this county. I am not a qualified voter in any other county in the State of Alabama or in any other State in the United States.

I have resided in Precinct or Beat No. _____, Box No. _____, Escambia County, for the past three months.

I declare under penalties of perjury that I have executed this questionnaire form to the best of my ability, and to the best of my knowledge and belief the information stated herein is true, correct and complete; also, that I have not been disqualified from voting under the laws of Alabama.

Signed _____
 Signature of Voter

Sworn to and subscribed before me this _____ day of _____, 196____.

 Registrar—Judge of Probate

Section 10. Any person who willfully makes a false statement to the board of registrars, or any duly authorized person, in reidentifying himself as a qualified elector in the manner provided herein shall be guilty of perjury, and upon conviction thereof shall be punished by imprisonment in the penitentiary for not less than one nor more than five years.

Section 11. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 12. All laws or parts of laws which conflict with this Act are repealed.

Section 13. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 1, 1965.

Time: 6:22 P. M.

Act No. 726

H. 1242—Burns, Nabors, Owens

AN ACT

To provide further for funds for the maintenance and operating of the Law Library of Etowah County; to impose trial taxes on certain litigation in Etowah County and provide for the proceeds thereof to be paid into the Etowah County Law Library Fund.

Be It Enacted by the Legislature of Alabama:

Section 1. In order to provide further for the special fund for the maintenance of the Law Library of Etowah County, which was established pursuant to Act No. 197, H. 596 of the Regular Session of 1955 (Acts of 1955, vol. 1, p. 485), there shall be taxed as costs the sum of one dollar and fifty cents (\$1.50) in each civil or quasi-civil action at law, suit in equity, criminal case, quasi-criminal case, proceeding on a forfeited bond or proceeding on a forfeited bond given in connection with an appeal from a judgment of conviction in any inferior or municipal court to the circuit court hereinafter filed in, arising in or brought by appeal, certiorari or otherwise to the circuit court of Etowah County, which costs shall be collected as other costs in such cases are collected by the clerk of the court or the register thereof, as the case may be, and shall be paid into the special fund, designated the "Etowah County Law Library Fund", established pursuant to said Act No. 197 of the Regular Session of 1955.

Section 2. There shall also be taxed as costs the sum of one dollar (\$1.00) in each criminal case hereafter filed in the Etowah County Court, and in each civil case hereafter filed in said Etowah County Court, which costs shall be collected as other costs in such cases are collected and when collected by the clerk of the court shall be paid by him into the special fund, designated the "Etowah County Law Library Fund", established pursuant to said Act No. 197 of the Regular Session of 1955.

Section 3. The said items of cost above referred to shall be designated in the respective courts as "Law Library Fee" and when any part of the costs in such a case or proceeding shall have been paid the amount necessary for the payment of said fee shall be applied thereto before applying any of the amount paid as costs to any other item of cost. On or before the tenth day of each month, the clerks of the respective courts (including the register) shall pay into the Etowah County Law Library Fund the amounts collected for law library fees during the previous month.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are repealed.

Section 6. This Act shall become effective upon the ratification of an Amendment to the Constitution authorizing the legislature to impose a trial tax or other charge on litigation in Etowah County.

Approved September 1, 1965.

Time: 6:21 P. M.

Act No. 727

H. 1247—Faulk

AN ACT

Relating to Geneva County; fixing the compensation and providing an expense allowance for members of the county governing body.

Be It Enacted by the Legislature of Alabama:

Section 1. Each member of the court of county commissioners, board of revenue, or like governing body of Geneva County, except the two thousand four hundred dollars (\$2,400.00) per annum, payable in equal monthly installments out of the county treasury. In addition, members of the governing body other than the chairman or other presiding officer shall receive an allowance of one hundred fifty dollars (\$150.00) per month, payable out of the county treasury, as reimbursement for expenses incurred by them in the performance of their duties as members of the county governing body. The compensation provided by law; and shall be payable out of any money in the county treasury which has been designated and set apart therefor by the court of county commissioners, board of revenue or other governing body, in its discretion, may provide for the payment of a part or portion of the salaries and expense allowances to the members out of the County gasoline tax revenue, provided that the part or portion of each commissioner's salary, which is paid out of the county, gasoline tax revenue, bears the same ratio to such member's total salary that the part or portion of the time spent by such member in the discharge of his duties in inspecting, accepting, building, repairing or supervising any of the county roads or bridges bears to the full time devoted by such members to the discharge of the duties of his office, and the part or portion of the expense allowance of each member which is paid out of the county gasoline tax revenue bears the same ratio to the total expense allowance paid each member that the expenses incurred by such member in connection with the discharge of his duties in inspecting, accepting, building, repairing or supervising any of the county roads or bridges bears to the total expense allowance paid to such member. Provided, further, that such use of

gasoline tax revenues shall be in accordance with and subject to all provisions of Title 51, Section 655, Code of Alabama 1940, as amended. The Chairman or other presiding officer of the court of county commissioners, board of revenue, or like governing body of Geneva County shall continue to receive the same compensation as the chairman or other presiding officer of county governing bodies under the general law.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 1, 1965.

Time: 6:59 P. M.

Act No. 728

H. 1249—Hannah, Boston,

AN ACT

Relating to counties having populations of not less than 60,500 nor more than 65,000; providing that minutes of meetings, and any information, document, record, or statement disclosed or made at such meetings, of the medical staff and certain committees thereof of any hospital in any such county shall be privileged communications and not subject to use as evidence in civil actions or proceedings.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply to all counties in the State having populations of not less than 60,500 nor more than 65,000, according to the most recent federal decennial census.

Section 2. Minutes of any meeting of the medical staff and its committees for evaluating the clinical and professional work in any hospital in the county, and any information, document, record, or statement disclosed or made at any such meeting, shall be deemed privileged communications and shall not be used as evidence in any civil action or proceeding in any court.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 1, 1965.

Time: 6:29 P. M.

Act No. 729

H. 1253—Daniel

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the Town of Sweet Water in Marengo County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the present boundary and corporate limits of the Town of Sweet Water in Marengo County, Alabama, are hereby altered, rearranged and extended so as to include (in addition to the lands already embraced in the said Town limits) the following described lands not heretofore embraced and incorporated within the Town limits of the Town of Sweet Water in Marengo County, Alabama:

The $W\frac{1}{2}$ of the $SE\frac{1}{4}$ of Section 10; the $NE\frac{1}{4}$ of $NW\frac{1}{4}$, and $W\frac{1}{2}$ of $NW\frac{1}{4}$ of $NE\frac{1}{4}$; the $SW\frac{1}{4}$ of $NW\frac{1}{4}$, and the $NW\frac{1}{4}$ of $SW\frac{1}{4}$, Section 14; the $NE\frac{1}{4}$ of the $SE\frac{1}{4}$, Section 15, less a strip 310 feet wide off the West side thereof, and the $NW\frac{1}{4}$ of the $NE\frac{1}{4}$, and the $SE\frac{1}{4}$ of the $NW\frac{1}{4}$, Section 15, less a strip 200 feet wide off the West side thereof, all being in Township 13 N, Range 2 East, Marengo County, Alabama.

Section 2. All laws and parts of laws in conflict with the provision of this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 1, 1965.

Time: 6:28 P M.

 Act No. 730

H. 1259—Slate, Brewer

AN ACT

To confer additional powers and authority upon the recorder of the City of Decatur in relation to remission of fines and costs, suspension of sentences, and granting of pardons and paroles.

Be It Enacted by the Legislature of Alabama:

Section 1. The recorder or judge of the recorder's court of the City of Decatur shall have the same powers and authority as that possessed by the mayor in regard to remission of fines and costs, suspension of sentences, and granting of pardons and paroles as prescribed in Code of Alabama 1940, Title 37, Section 599, and may exercise such powers as therein provided in any case involving the violation of a bylaw or ordinance of the City of Decatur.

Section 2. If a part of this Act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of the Act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 1, 1965.

Time: 6:27 P. M.

Act No. 731 H. 1262—Vacca, Bowers, Morrow, Etheredge,
Collins (Jefferson), Bailes,
Meeks, Locke, Sessions, Dominick,
Rast, Hawkins, Bethea (B),
Bethea (M), Gilmore

AN ACT

To further amend Act No. 929 of the Regular Session of the Legislature of Alabama of 1951, approved September 12, 1951, (Acts of the Regular Session of the Legislature of Alabama of 1951, pages 1571 et seq.) as heretofore amended.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 23 of Act No. 929 of the Legislature of Alabama of 1951, approved September 12, 1951 (Ala. Acts 1951, pages 1595-1597), as heretofore amended, is hereby further amended to read as follows:

“Section 23. Board of Managers. (a) There shall be a Board of Managers of five members for the administration, management, and control of the system including administration, management, control, acquisition and disbursement of the fund. The Board shall consist of the Mayor of the City, who shall be Chairman of the Board and four associate members designated respectively as “member number one”, “member number two”, “member number three”, and “member number four”. Member number one shall be appointed by the personnel board to serve for a four year term. Any vacancy in member seat number one shall be filled by the personnel board to serve for such unexpired term. Member number two shall be elected by members of the system in the active service of the City by secret ballot at the time and for the term hereinafter specified. The first person elected as member number two shall be a member of the system.

For the purpose of rotating member number two between members of the fire department and the police department and members of the system not in the fire department or police department it is hereby provided that if the person first elected as member number two is a member of the fire department or police department the person elected to fill the first full term of member number two next following the first term shall be a member of the system not belonging to either the fire department or police department; and if the person first elected as member number two is not a member of the fire department or police department the person elected to fill the first full term of member number two next following the first term shall be a member of the fire department or the police department. Thereafter member number two shall be elected alternately from employees belonging to the fire department or the police department and from members belonging to neither the fire department or police department; provided, however, that in the event of a vacancy the person elected to fill the unexpired term shall be elected from the members of the fire department or police department if the person last holding the vacant position was a member of the fire department or police department or from employees not belonging to either of said two departments if the person last holding the vacant position was not a member of either of said two departments. The first election to fill the positions of member number two shall be at a time prescribed by the City Council as soon as practicable and in any event within sixty days from the date of the creation of the said position held by member number two. The Council shall have the authority to prescribe rules and regulations concerning the election of member number two not inconsistent with this Act and to change the rules and regulations. Member number two shall be elected for a term of four years which shall commence to run from the date on which the result of the election is declared. Any elected or appointed member of the Board may serve beyond his term until his successor is appointed or elected. Member number three shall be appointed for a four-year term by the Mayor and shall have more than ten years experience in an executive capacity in insurance, actuarial, investment, or banking work. Member number four shall be a person not a member of the system who has had more than ten years experience in an executive capacity in insurance, actuarial, investment, or banking work. Member number four shall be elected by the membership of the system by secret ballot at an election called by the Council after 30 days notice. Nominations of persons to fill the position of member number four shall be made in writing to the council and filed with the Clerk of the city by members of the system and such nominations must be filed more than ten days prior to the date of the election.

In the event of a vacancy on said board of managers, a person to fill the vacant position shall be elected or appointed in the same manner in which the person last holding the said position was elected or appointed. Members number one and two of the Board shall be bona fide residents and qualified voters of the City. Members number three and four shall be residents of the county, and qualified voters of such county.

(b) The Board shall meet on the second Thursday in each calendar month; provided, however, that the Board shall not be required to meet unless there is pending before the Board some application for a pension, relief or benefit or unless there is pending some other matter requiring consideration by the Board; and provided, further, that the Board by and through a resolution adopted by it may change the regular meetings from Thursday to such other time as may be convenient to the Board. Any three Board members, after due notice having been given to all members of the Board, may meet in special meeting and transact any business of the Board, provided, however, the Secretary be present and record the proceedings of the special meeting as hereinafter provided. The Board shall meet in the office of the Chairman or such other place as the Board may designate.

The Personnel Director shall be Secretary of the Board and shall be present at every meeting of the Board and keep a record of all proceedings of the Board and of all orders and decisions of the Board. No salary or compensation shall paid to the Secretary or to member number two. Members number one, number three and number four shall receive Ten Dollars (\$10) for each meeting attended but not more than Twenty Dollars (\$20) for meetings attended in any one calendar month. Three members of the Board, when assembled either in regular or special meeting, shall constitute a quorum for the transaction of any and all business of the Board and the affirmative vote of three members shall be necessary and sufficient to pass any motion or resolution.

The Board is empowered to make rules and regulations not inconsistent with the provisions of the system in relation to its affairs and the system. The Board shall receive, investigate and pass upon all applications for retirement and disability and widow allowances and shall make retirement and disability and widow allowances in accordance with the system to all persons entitled thereto under the system, and its decision upon all matters of fact shall be final and conclusive unless it shall be affirmatively made to appear that its decision is plainly and manifestly wrong. The Board is authorized to borrow money up to the par value of the securities of the fund and to pledge such securities for repayment of the money borrowed. No money of the fund shall be invested, paid out or disbursed except pursuant

to order or authorization of the Board. The Board shall be trustee, and have entire management and control of the fund, and shall direct investment of monies of the fund not needed to meet disbursements provided for in this Act in the loans to members hereinabove referred to and in bonds of the United States Government, or general obligation bonds of the State of Alabama, or general obligation bonds of any municipality or county of the State of Alabama, or in Federal Savings and Loan Associations, or in other corporations having Federal Savings and Loan Association's guarantee, or in bonds or common or preferred stock of corporations organized under Federal laws or the laws of any State of the United States, or may invest in certificates of deposit or bonds issued by banks organized under Federal laws or under laws of the State of Alabama; provided, however, that not more than ten thousand dollars shall be invested in any one Federal Savings and Loan Association, or in any one corporation having Federal Savings and Loan Association's guarantee; and provided, further, that no funds shall be invested in bonds or common or preferred stock of private corporations unless such bonds or common or preferred stock are listed upon Exchanges subject to the jurisdiction of the Securities and Exchange Commission and the aggregate value of the funds invested in such bonds of corporations last referred to above shall not exceed thirty-three and two-thirds percent (33-2/3%) of all the funds available in the system for investments, nor shall the total investment in common or preferred stocks of such corporations exceed 5% of all the funds available in the system for investments.

The Board of Managers is authorized to secure, and to pay for with funds of the system, investment counsel and investment advice from individuals or firms experienced and specializing in furnishing such advice, and also the advice and services of accountants and auditors and legal advice and services and such other professional counsel, advice and services as the said Board deems necessary for the proper management and administration of the system.

In addition to methods of removal hereinabove provided for, any member of the Board may be removed by impeachment for corruption or malfeasance in office or for habitual neglect of duty.

(c) The Board of Managers shall make a study of the provisions of this Act, and at such time or times as the Board may deem appropriate it shall have authority to employ at the expense of the fund such actuarial assistance and other aid as the study may require to determine the following questions: (1) Are the contributions to the fund sufficient to pay the benefits provided

herein? If not, what additional contributions are necessary? (2) Are the benefits provided herein sufficient in amount to consume the contributions required herein, or are they so large as to render the fund insolvent, and in the event of the finding of either contingency, what adjustments should be made? (3) What provision should be made either in contributions by employees or by the city to render the fund solvent with respect to allowances made for prior service? The said Board must present to the members of the Legislature, not later than thirty days before the convening of any regular session, a report of the financial condition of the system, together with drafts of such laws as it may deem necessary to keep or make the fund actuarially solvent. They shall accompany their report with the reasons why they recommend the measures included in their report for making it solvent, setting out in detail what benefits they recommend be reduced, or what additional contributions they recommend being made. And the Legislature shall give prompt and full consideration to such report to the end that said fund may be solvent, safe and permanent for the protection of the employees covered thereby."

Section 2. This act shall become effective upon its approval by the Governor or upon its otherwise becoming a law, provided, however, that subsection (a) of Section 23 of said Act No. 929, as amended herein by Section 1 of this Act shall not become effective until January 1, 1966.

Approved September 1, 1965.

Time: 6:24 P. M.

Act No. 732

H. 1263—Faulk

AN ACT

Relating to counties having a population of not less than 22,000 nor more than 22,350 according to the most recent federal decennial census; to authorize the county governing body in any such county to appropriate and use certain county funds and to designate and use certain county property, buildings, and facilities in order to qualify for and receive federal assistance under the federal Economic Opportunity Act of 1964.

Be It Enacted by the Legislature of Alabama:

Section 1. The court of county commissioners, board of revenue, or other like governing body in any county of the state having a population of not less than 22,000 nor more than 22,350 according to the most recent federal decennial census shall have authority to appropriate and use such sums from the general funds of the county not otherwise appropriated, and to designate and use such county property, buildings, and facilities, as may

be necessary to enable the county to participate in programs and receive benefits and funds provided for and made available by and from the federal government under Public Law 88-452, known as the Economic Opportunity Act of 1964, as approved by Congress on August 20, 1964, when such county governing body, in its discretion, considers such action to be in the best interests of the county. Provided, however, that such sums and such property, buildings, and facilities shall not be appropriated, designated, or used in any manner which conflicts with the Constitution or statutes of the State of Alabama.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 1, 1965.

Time: 6:23 P.M.

Act No. 733 H.J.R. 122—Engel, Owen, Rogers, McDermott,
Downing, Hogan, Edington, Smith

HOUSE JOINT RESOLUTION

To create a joint legislative advisory and study committee to investigate the feasibility of constructing a toll bridge connecting Dauphin Island and Fort Morgan, making possible a scenic coastal highway in Alabama.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created and established an interim legislative committee to be composed of fifteen members, ten of whom shall be members of the House, appointed by the Speaker of the House, and five members of the Senate who shall be appointed by the President of the Senate. In addition to the regular members there shall be four ex officio members of the committee who shall be the director of the State Highway Department, the director of the Alabama State Docks, the director of the State Department of Conservation, and director of the Bureau of Publicity and Information. Of the legislative members of the committee, five shall be appointed from Mobile County, two from Baldwin County, and one from each of the eight congressional districts, provided that the members of the committee from the first and second districts shall be appointed from counties other than from the counties of Baldwin and Mobile. The committee shall meet within one month after the adoption of this resolution and shall elect from among its members a chairman and a vice-chairman. It shall hold such other meetings upon the call of the chairman, and at such time and place as the

chairman may designate. Any eight members shall constitute a quorum for the transaction of any business which may properly come before the committee. The committee shall be authorized to appoint from among its numbers a sub-committee to perform such duties of the committee and with such authority as the committee members may direct. Committee members shall be entitled to their regular per diem pay and allowances for each meeting of the committee actually attended or when otherwise actually engaged in committee business.

It shall be the duty of the committee: 1) to study the possibility and feasibility of constructing a bridge from Fort Morgan to Dauphin Island, giving detailed consideration to the operation of the proposed ferry between Fort Morgan and Dauphin Island; 2) to determine the kind and type of bridge best suited or required to be constructed as related to flow of traffic to be borne on the bridge, and navigation in the channel below the bridge; 3) to determine insofar as possible within the limitations set forth herein the cost of construction; 4) to investigate and determine available financing for such bridge, including financing with state funds; with state and federal funds; with funds from the proceeds of a bond issue; with funds provided partially from the proceeds of a bond issue and partially from state and federal funds; or financing by any combination of such funds which may be available; 5) to ascertain whether or not a detailed and conclusive finding on the problems to be considered can be made by the utilization of free assistance from the highway department, the finance department, and other appropriate state agencies, and without the employment of consultant services; 6) to obtain, in the event engineering studies are favorable, the advice and approval of recognized bond experts on fiscal questions involved before bonds can be sold by any authority which might be created for such construction purposes, by the State of Alabama, or by such other group as might be involved in the construction of a bridge or operation of a ferry; 7) to report the result of its investigations and its final conclusions to the respective houses of the Legislature at the next regular session, whereupon the committee shall be dissolved.

All departments and agencies of the State of Alabama are hereby authorized and directed to extend their cooperation and to lend assistance to the committee created herein.

The per diem pay and allowances of legislators who are committee members, and all other expenses incurred by the committee shall be paid out of any funds appropriated for the use of the legislature, provided the total amount so expended shall in no case exceed five thousand dollars (\$5,000). Such payment shall be made on warrants drawn by the State Comp-

troller upon requisitions signed by the chairman of the committee.

Approved September 1, 1965.

Time: 6:25 P. M.

Act No. 734

H.J.R. 158—Holladay

HOUSE JOINT RESOLUTION

WHEREAS Miss Iola Roberts during a lifetime of unselfish service has contributed immeasurably to the educational and community life of Pell City and South St. Clair County; and

WHEREAS Miss Roberts, as a teacher and principal of Avondale Elementary School and later of South St. Clair County Elementary School, has served with inspiration, diligence, and ability. Her fine example through the years has instilled in the students under her charge a greater appreciation for the democratic institutions of our society, a keener interest in education and the Arts, and a desire to improve themselves and fulfill their capabilities as persons; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby designate the South St. Clair County Elementary School as "The Iola Roberts Elementary School" in honor and appreciation of this inspiring and dedicated lady whose contributions to educational, religious, and civic life have benefited thousands of citizens in St. Clair County.

BE IT FURTHER RESOLVED That copies of this Resolution be sent to Miss Roberts and to the St. Clair County Board of Education.

Approved September 1, 1965.

Time: 6:26 P. M.

Act No. 735

H.J.R. 159—Holladay

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the new Junior High School to be constructed at Pell City shall be designated and known as "The O. D. Duran Junior High School", as a tribute to the memory of a gentleman and scholar who devoted years of dedicated service as a teacher, principal, and superintendent of education in Saint Clair County, and who served as an inspiration to the youth of the county.

RESOLVED FURTHER, That the St. Clair County Board of Education is hereby authorized and directed to cause suitable and appropriate words to be inscribed upon or affixed to the new Junior High School to be built at Pell City, designating said building as "The O. D. Duran Junior High School".

Approved September 1, 1965.

Time: 6:58 P. M.

Act No. 736

H.J.R. 160—Avery, Salter, Tuck, Young,
Cates, Barnett

HOUSE JOINT RESOLUTION

WHEREAS, the Birmingham Post-Herald for today, August 17, 1965, quotes Representative Armistead Selden as saying that the recent California riots were tragic, but should make the American public realize: "First that racial problems in the United States are not confined to the South. Second, that those who have condoned or even encouraged violations of local and state laws in Alabama are encouraging similar violations throughout the United States. Third, that the continued passage of discriminatory force legislation will not eliminate America's racial frictions;" now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, THE SENATE CONCURRING, That we commend Representative Selden for his statement relative to the tragic situation in California and particularly for his judicious evaluation of the causes of the current riots and racial frictions now plaguing this Nation and his succinct and foreful enumeration of the lessons which should be learned by peoples throughout America from recent riots.

BE IT FURTHER RESOLVED that the Legislature is particularly pleased that Representative Selden took this opportunity to point out to the world that Alabama has no monopoly on discontent and urges him to make this point again whenever the opportunity arises.

Approved September 1, 1965.

Time: 6:57 P. M.

Act No. 737

H.J.R. 161—Pennington, Hain, Nettles, Casey

HOUSE JOINT RESOLUTION

WHEREAS the First Amendment to the Constitution of the United States of America guarantees to the people the right to

peaceably assemble and to petition the Government for redress of grievances; and

WHEREAS, demonstrations under the guise of a petition for redress of grievances have become commonplace in Alabama and throughout the nation; and

WHEREAS, these demonstrations have far exceeded both in scope and numbers of participants anything reasonably necessary to present a petition for a redress of grievances or to dramatize any grievance; and

WHEREAS, the size, scope and frequency of these demonstrations has placed such an unreasonable burden upon the various law enforcement agencies of this State that police officials, State Troopers and other law enforcement personnel have been diverted from their usual duties to maintain law and order at the site of the demonstrations; and

WHEREAS, the State of Alabama has suffered sharp increases in traffic accidents, in traffic deaths and immeasurable property damage due to this diversion of police officers from their regular duties; and

WHEREAS, Alabama citizens are basically law abiding and have a deep respect for law and order, but abhor these illegal acts of civil disobedience exhibited by such mass demonstrations which have caused deaths, personal injuries, destruction of property and the interruption of business and private pursuits of Alabama citizens; and

WHEREAS, experience has proven that judicial regulation of demonstrations and limitation of numbers of participants is an invaluable tool in the preservation of law and order; and

WHEREAS, it is the considered judgment of the Legislature of Alabama that there is a reasonable expectation of continued mass demonstrations in this State, involving civil disobedience and breaches of the peace which, if not regulated by appropriate judicial means and are allowed to continue unregulated and unabated will constitute a grave threat to the public safety and seriously endanger life and property of the demonstrators and the public alike; and

WHEREAS, in recognition of the limited number of law enforcement personnel available and a limitation on the capability of state and local governments to finance additional law enforcement personnel, and recognizing the possibility of grave and irreparable damage to the citizens of the State without adequate police protection; and

WHEREAS, the atmosphere and emotions involved in all

demonstrations are potentially explosive and bring together the same combination of forces from which riots erupt;

NOW, THEREFORE, BE IT RESOLVED by the Legislature of Alabama, both Houses thereof concurring, as follows:

1. That the Governor of Alabama is hereby requested to act in situations where he has reasonable cause to believe that a demonstration is impending, to petition the appropriate Federal Court with jurisdiction in the area, to regulate such demonstrations by judicial decree prescribing the time, place and number of participants of such demonstrations.

2. That the President of the United States is respectfully requested to foster and encourage a responsible attitude on the part of all of our citizenry by giving public recognition to the fact that demonstrations constitute a grave threat to the maintenance of law and order throughout these United States and that they bring forth an atmosphere and environment of the sort wherein riots erupt, and that the President is further respectfully requested to implement this public recognition by inaugurating and aggressively pursuing policies throughout the executive branch of the Federal Government which are calculated to discredit demonstrations and demonstrators and to encourage and promote the strict regulation thereof.

3. That in any situation involving civil disobedience, rioting, arson, sniping, or other acts of insurrection, or which create conditions which, in the judgment of the Governor of the State of Alabama the law enforcement personnel of this State are unable to control and suppress without impairment or curtailment of necessary state and local services to which the public is entitled or if, in the judgment of the Governor, extra police protection occasioned by any such acts of disorder and lawlessness imposes financial responsibilities beyond the capability of state and local government to meet from available revenues, that the Governor be and he is hereby authorized and encouraged to take such action as may be deemed advisable to request the United States Government to furnish and defray the cost of such police protection as may be necessary in the public interest.

4. That copies of this resolution be sent to the President of the United States, the Attorney General of the United States, to the United States Senators from the State of Alabama, and to each member of Congress from the State of Alabama.

Approved September 1, 1965.

Time: 6:30 P. M.

Act No. 738

H.J.R. 162—Turnham

HOUSE JOINT RESOLUTION

WHEREAS, a strong state and nation are built on the vision, initiative, integrity and industry of the citizens; and

WHEREAS, the citizens of our State and Nation are the products of our homes; and

WHEREAS, the quality of our homes influences the quality of our citizens; and

WHEREAS, the youth organization, Future Homemakers of America, has as its goal the improvement of home and family living; and

WHEREAS, the FHA Members are learning to be homemakers and leaders for better homes and communities for now and the future; and

WHEREAS, Miss Carol Poole, a student in the Beauregard High School in Lee County is President of the Alabama State Association of Future Homemakers of America and is providing outstanding leadership for the more than 32,000 high school students in Home Economics; and

WHEREAS, the contribution of FHA to the future strength and progress of this country is widely recognized.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we applaud the Future Homemakers of America for their excellent work and commend the Home Economics Service of the State Department of Education for their leadership in sponsoring this organization and for instilling in its youthful members high ideals of personal home and community living.

BE IT FURTHER RESOLVED that we congratulate Miss Carol Poole on her election as President of the Alabama Association, Future Homemakers of America and commend her for her superior leadership in accomplishing purposes of the organization and in carrying out the responsibilities of this high office. We appreciate her concern for and contribution to the development of a strong state and nation through the betterment of homes.

Approved September 1, 1965.

Time: 6:56 P. M.

Act No. 739

H.J.R. 165—Owen (Baldwin)

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the administration building of the Bay Minette Junior College shall be designated and shall be known as "The George C. Wallace Building," as a tribute to the long and continued efforts and outstanding achievements of Governor George C. Wallace in the promotion of education.

BE IT FURTHER RESOLVED, That the Alabama Trade School and Junior College Authority and the State Board of Education are hereby authorized and directed to cause suitable and appropriate words to be inscribed thereon or affixed thereto so designating the administration building of the Bay Minette Junior College as "The George C. Wallace Building."

Approved September 1, 1965.

Time: 6:45 P. M.

Act No. 740

H.J.R. 167—Turnham

HOUSE JOINT RESOLUTION

RESOLVED BY THE HOUSE, THE SENATE CONCURRING, That the bill, H. B. 312, which has passed both houses be designated and known as "The Goodwyn, Turnham, Beville, Pierce, Little, Turner (Crenshaw) and Powell Bill."

Approved September 1, 1965.

Time: 6:44 P. M.

Act No. 741

H.J.R. 168—Turnham et al

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That we hereby express our appreciation to the staff of the Legislative Reference Service for the commendable contributions they have made toward the expeditious transaction of legislative business during the 1965 regular and special sessions of the Legislature, and we congratulate them on their prompt and efficient service.

Approved September 1, 1965.

Time: 6:35 P. M.

Act No. 742

H.J.R. 169—Turnham et al

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the members of this body wish to express their grateful appreciation to the telephone operators, clerks, secretaries, doorkeepers, and all others who have provided aid and assistance to us, for their efficient services and helpful cooperation during the current session of the Legislature.

Approved September 1, 1961.

Time: 6:34 P. M.

Act No. 743

H.J.R. 170—Bassett

HOUSE JOINT RESOLUTION

WHEREAS, Pike County and Alabama have suffered a grievous loss in the death of Mrs. Pearl Ramage Reeves of Troy on July 16, 1965; and

WHEREAS, Mrs. Reeves served with distinction as Sheriff of Pike County from 1942 to 1946, was the widow of Sam Reeves who served four terms as Sheriff of Pike County; and was the mother of the late Burr Reeves who was Sheriff of Pike County and Warden of Draper Prison, Ben Reeves who served four terms as Sheriff and is now Judge of Probate of Pike County, Samford Reeves and the Reverend Sam Reeves; and

WHEREAS, the sterling character of Mrs. Reeves, coupled with her superb record of Christian endeavor and humanitarian activities, endeared her to the hearts of all who knew her;

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING:

That we note with profound regret the passing of Mrs. Reeves and pay this tribute to her memory. We mourn her death and, collectively and individually, extend our sincere sympathy to her family.

Approved September 1, 1965.

Time: 6:31 P. M.

Act No. 744

H. 1096—Owen (Baldwin)

AN ACT

To alter, rearrange and extend the boundary lines and corporate

limits of the City of Bay Minette in Baldwin County, Alabama, so as to annex territory to the said City.

Be It Enacted by the Legislature of Alabama:

SECTION 1: The boundary lines and corporate limits of the City of Bay Minette in Baldwin County, Alabama, are hereby altered, rearranged, extended and fixed so as to include within the corporate limits of the said City additional territory, which additional territory and that now included within the corporate limits of the said City shall be the territory lying within the following described boundaries, to-wit:

Begin at the point where the North right of way line of the Louisville and Nashville Railroad intersects the East line of Section 3, Township 2 South, Range 3 East, thence Southwestwardly along the North right of way line of the said railroad to the South line of the said Section 3, thence West to the Southeast corner of the Southwest Quarter of the Southwest Quarter of the said Section 3, thence North to the Northeast corner of the Southwest Quarter of the Southwest Quarter of the said Section 3, thence West to the West line of the said Section 3, thence North to the half section post on the West line of the said Section 3, thence West to the Northeast corner of the Northwest Quarter of the Southwest Quarter of Section 4, Township 2 South, Range 3 East, thence North to the Northwest corner of the South Half of the Southeast Quarter of the Southwest Quarter of Section 33, Township 1 South, Range 3 East, thence West to the Northwest corner of the South Half of the Southeast Quarter of the Southeast Quarter of Section 32, Township 1 South, Range 3 East, thence South to the Northwest corner of the Southeast Quarter of the Southeast Quarter of Section 5, Township 2 South, Range 3 East, thence West to the half section line in the said Section 5, thence South along the half section line of Sections 5, 8, 17, and 20, Township 2 South, Range 3 East to the Northeast corner of the Southeast Quarter of the Northwest Quarter of the said Section 20, thence East to the East line of the said Section 20, thence South along the East line of the said Section 20 and along the East line of Section 29, Township 2 South, Range 3 East, to the Northeast corner of the Southeast Quarter of the Northeast Quarter of the said Section 29, thence East to the Northeast corner of the Southwest Quarter of the Northwest Quarter of Section 28, Township 2 South, Range 3 East, thence South to the South line of the said Section 28, thence East along the South line of the said Section 28 to the West right of way line of the Bay Minette and Fort Morgan railroad, thence Northeastwardly along the West right of way line of the Bay Minette and Fort Morgan Railroad to the point where the said West right of way line intersects the North line of Section 21, Township 2 South, Range 3 East, thence East to the half section post on the North line of

Section 22, Township 2 South, Range 3 East, thence North along the half section line through Section 15, Township 2 South, Range 3 East to the half section post on the North line of the said Section 15, thence East along the North line of the said Section 15 to the Northeast corner thereof, thence North along the East line of Section 10, Township 2 South, Range 3 East, and along the East line of Section 3, Township 2 South, Range 3 East, to the point or place of beginning; all of which said property is situated in Baldwin County, Alabama.

SECTION 2: This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 2, 1965.

Time: 2:50 P. M.

Act No. 745

H. 48—Turner (Crenshaw), Turnham,
Jones (Monroe), Goodwyn

AN ACT

To amend Section 5 of Act No. 926, approved 12 September 1951 (1951 Acts of Alabama, Act No. 926, page 1575) which Section pertains to an appropriation to make a contribution on behalf of the State of Alabama to the National Conference of Commissioners on Uniform State Laws.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 5 of Act No. 926, approved 12 September 1951 (1951 Acts of Alabama, page 1575) be and the same is hereby amended to read as follows:

There is hereby appropriated out of State funds not otherwise appropriated a sum sufficient to reimburse appointed members of the Commission on Uniform State Laws for their necessary expenses in performing the duties of their offices, to defray the cost of printing the Commission's reports, and to make a contribution on behalf of this state to the National Conference of Commissioners on Uniform State Laws in a sum not to exceed \$1,500.00 per annum. The amount of such expenses and contributions shall be certified to the Finance Director by the Chairman of the Commission, and the Finance Director is hereby authorized to draw warrants and the Treasurer of the State to pay same for these purposes.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming law.

Approved September 1, 1965.

Time: 6:55 P. M.

Act No. 746

H. 95—Crawford, Stembridge, Thomas,
Cooper, Steagall

AN ACT

To provide for a representative from Alabama on the Resources Advisory Board, Southeast River Basins; to authorize payment of a pro rata part of the expenses of the Board and to provide the necessary funds therefor, and for other related purposes.

WHEREAS the U. S. Study Commission, Southeast River Basins, has formulated a comprehensive Plan for development of the land and water resources of the Southeast River Basins in accordance with the provisions of Public Law 85-850 and has ceased to exist; and

WHEREAS there is an urgent need to continue the coordination that has been engendered by the Study Commission among local, state and federal agencies concerned in conservation and development of land and water resources in the Southeast; and

WHEREAS there is a need to provide a continuing basis by which the requirements for resources development can be compared with actual accomplishments and the two maintained in satisfactory balance for the public good; and

WHEREAS it is expected that many new proposals for resources development, initiated by both public and private agencies, will need to be coordinated with those in a comprehensive plan; and

WHEREAS, periodically, the long-range plan should be updated in the light of current requirements, and where necessary, revised to reflect changing conditions; and

WHEREAS it is desirable that an organization such as the Resources Advisory Board, Southeast River Basins, be created to continue the coordination that has been established and to facilitate and coordinate implementation of the comprehensive plan, NOW, THEREFORE,

Be It Enacted by the Legislature of Alabama:

Section 1. The Director of the State Planning and Industrial Development Board shall be the representative from Alabama to serve on the Resources Advisory Board, Southeast River Basins, as the Board is now, or may hereafter be, authorized and constituted.

Section 2. The Alabama representative serving on the Resources Advisory Board, Southeast River Basins, shall receive no compensation for performance of his duties as a member of

the said Board. However, he shall be reimbursed for his travel expenses while engaged in business of the Board, as provided by Section 154, Title 41, Code 1940.

Section 3. The sum of \$10,000, or so much thereof as may be necessary, is hereby appropriated from any funds in the state treasury not otherwise appropriated, for each of the fiscal years ending September 30, 1966 and September 30, 1967, for the purpose of paying the State of Alabama's share of the expense incurred in maintaining and operating the Resources Advisory Board.

Section 4. The Resources Advisory Board may spend any part of the funds herein appropriated that may be needed for the purpose of carrying out any agreement the Board may make in providing its employees coverage under the federal old-age and survivors insurance program.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 1, 1965.

Time: 6:11 P. M.

Act No. 747

H. 140—Engel, Hogan, McDermott, Collins
(Mobile), Edington, Downing,
Rogers

AN ACT

To authorize and provide for carrying out the October 29, 1963, action of the State Board of Education to develop the Alabama State College Center at Mobile into a junior college to be operated separate and apart from the Alabama State College as soon as legislative appropriations are met for such junior colleges including said Mobile Junior College in the annual appropriation for junior colleges under the State Board of Education or by any specific appropriation made for said Mobile Junior College for the fiscal years ending September 30, 1966, and September 30, 1967, said appropriation or allocation thereof to be provided for the maintenance, operation, and administration of such college.

Be It Enacted by the Legislature of Alabama:

Section 1. In order to carry out the October 29, 1963, resolution of the State Board of Education which states that

“BE IT RESOLVED That the State Board of Education goes on record as developing the Alabama State College Center at Mobile into a junior college to be operated separate and apart from the Alabama State College, as soon as legislative appropriations are met for such junior college.”

and in order to provide for the establishment and operation of the Mobile Junior College any appropriation or appropriations for the state junior colleges established in accordance with authority granted to the State Board of Education in Acts No. 93 and No. 94, 2nd Special Session 1963, shall include the Mobile Junior College for its maintenance and operation for the fiscal years ending September 30, 1966, and September 30, 1967.

Section 2. This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 1, 1965.

Time: 6:47 P. M.

Act No. 748

H. 322—Goodwyn, Turner (Crenshaw)

AN ACT

TO AMEND SECTIONS 2 AND 12, ACT NO. 289, REGULAR SESSION 1955, TO PROVIDE FOR A CHANGE IN THE STANDARD DEDUCTION ALLOWED INDIVIDUALS FOR INCOME TAX PURPOSES; AND TO RAISE THE MAXIMUM LIMIT FOR FILING OF THE SHORT FORM.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2, Act No. 289, Regular Session 1955, is hereby amended to read as follows:

“Section 2. Withholding Tax.

“(1) Every employer, as defined under the laws of the United States in effect January 1, 1956, or as subsequently may be defined, with respect to income tax collected at source, making payment of wages as defined under such laws to employees, shall deduct and withhold upon such wages a tax equal to; one and one-half percent of the first \$1,000.00 or less, three percent of the next \$2,000.00 or less, four and one-half percent of the next \$2,000.00 or less, five percent of the excess over \$5,000.00 by which the amount of such wages, less ten percent thereof or \$1,000.00 whichever is less and less federal income tax withheld, paid or to be paid in the calendar year by such employer to such employee exceeds the amount of the exemptions granted to such employee under Section 388, of Title 51, of the 1940 Code of Alabama, as amended, by a certificate to be filed with the employer in such form and containing such information and detail as may be prescribed by the commissioner, pursuant to the provisions of Section 4 of this Act.

“(2) At the election of the employer with respect to such employee, the employer may deduct and withhold upon the wages

paid to such employee a tax determined on the basis of tables to be prepared and furnished by the commissioner, which tax shall be substantially equivalent to the tax provided in sub-division (1) hereof, and which shall be in lieu of the tax required in such subdivision.

“(3) In determining the amount to be deducted and withheld under this section, the wages may, at the election of the employer, be computed to the nearest dollar.

“(4) The department may, by regulations, authorize employers:

“(a) to estimate the wages which will be paid to any employee in any quarter of the calendar year;

“(b) to determine the amount to be deducted and withheld upon each payment of wages to such employee during such quarter as if the appropriate average of the wages so estimated constituted the actual wages paid; and

“(c) to deduct and withhold upon any payment of wages to such employee during such quarter such amount as may be necessary to adjust the amount actually deducted and withheld upon the wages of such employee during such quarter to the amount that would be required to be deducted and withheld during such quarter if the payroll period of the employee was quarterly.

“(5) The department is authorized to provide by regulation, under such conditions and to such extent as it deems proper, for withholding in addition to that otherwise required under this section and in cases in which the employer and the employee agree to such additional withholding. Such additional withholding shall for all purposes be considered tax required to be deducted and withheld under this chapter.”

Section 2. Section 12, Act No. 289, Regular Session 1955 is hereby amended to read as follows:

“Section 12. Optional Short Form Tax; Returns by Husband and Wife; Limited Application.

“With respect to taxable years beginning after December 31, 1965, any individual whose adjusted gross income for the taxable year for which the return is filed does not exceed ten thousand dollars, may elect to pay a tax determined on the basis of tables prepared and furnished by the Commissioner of Revenue; provided, however, the individual must not have income of more than five hundred dollars not subject to withholding under the provisions of this Act.

“(1) Individuals who elect to pay the tax as contained in the tax table shall file a “short form” provided by the Department of Revenue.

“(2) Provided that the exercise of the election to file the “short form” provided for herein is irrevocable for the taxable year for which made and cannot be changed after the time prescribed by law for filing the return.

“(3) The tables mentioned in this section shall be based upon the income tax rate prescribed by law and shall take into consideration the personal exemptions and credit for dependents allowed by law to a taxpayer and the standard deduction as provided by Act No. 208, Regular Session 1951, as amended, and shall show the amount of tax due on adjusted gross incomes of at least \$1,600.00 and not more than \$10,000.00 a year according to \$100.00 brackets.”

Section 3. The provisions of this Act, as amended, shall be applicable to all taxpayers for all taxable years beginning after December 31, 1965. With respect to all taxable years beginning before January 1, 1966, the provisions of Act No. 289, Regular Session 1955, as they existed immediately prior to the date of this enactment shall remain applicable the same as though they had not been amended or repealed by this Act. Provided, however, that the requirements in Section 2 of this Act as it relates to employer's withholding shall become effective on January 1, 1966.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 1, 1965.

Time: 6:10 P. M.

Act No. 749

H. 323—Goodwyn, Turner (Crenshaw)

AN ACT

TO AMEND SECTION 1 OF ACT NO. 208, REGULAR SESSION 1951 (ACTS 1951, p. 470) WHICH RELATES TO DEDUCTIONS TO INDIVIDUAL INCOME TAXPAYERS AND MORE SPECIFICALLY AUTHORIZES, PROVIDES FOR AND REGULATES USE OF AN OPTIONAL STANDARD DEDUCTION IN LIEU OF AN ITEMIZATION OF CERTAIN SPECIFIC DEDUCTIONS ALLOWED BY LAW AND ALSO THE DEDUCTION OF FEDERAL INCOME TAXES PAID OR ACCRUED WITHIN THE TAXABLE YEAR.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 208, Regular Session 1951

(Acts 1951, p. 471) which relates to deductions to individual income taxpayers and more specifically authorizes, provides for and regulates use of an optional standard deduction in lieu of an itemization of certain specific deductions allowed by law and also the deduction of federal income taxes paid or accrued within the taxable year, is amended to read as follows:

"Section 1. That in lieu of the deductions allowable to individual taxpayers, as provided in Section 385, subsections (b), (c), (e), (f) and (j), of Title 51, Code of Alabama 1940, and in Act No. 693, Regular Session, Legislature of 1947, as amended by Act No. 580, Regular Session, Legislature of 1963 and by Act No. 246, First Special Session, Legislature of 1965, and in Act No. 674, Regular Session, Legislature of 1951, and Act No. 148, Regular Session, Legislature of 1951, for the taxable years beginning on and after January 1, 1966, at the election of the taxpayer a deduction may be taken not to exceed ten per cent of the adjusted gross income or \$1,000.00, whichever is the lesser, from the adjusted gross income received from sources within the State of Alabama, and in addition to said deduction, a deduction for the amount of federal income tax paid or accrued within the taxable year, provided, however, that in the case of a non-resident taxpayer the amount of federal income tax apportioned to Alabama shall be determined by the ratio that the amount of adjusted gross income received from sources within the State of Alabama bears to the amount of adjusted gross income received from sources within and without the State of Alabama."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 1, 1965.

Time: 6:09 P. M.

Act No. 750

H. 326—Goodwyn, Turner (Crenshaw)

AN ACT

TO AMEND SECTIONS 1, 3, 4, 7, 10, 11, 12, 13 and 16 OF ACT NO. 674 OF THE 1961 REGULAR SESSION OF THE ALABAMA LEGISLATURE, APPROVED SEPTEMBER 8, 1961 (ACTS OF ALABAMA 1961, VOLUME I, PAGE 925 ET SEQ.).

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 1 of Act No. 674 of the 1961 Regular Session of the Alabama Legislature, approved September 8, 1961, be and same is hereby amended to read, as follows:

"Section 1. Definitions.—Whenever used in this Act,

"(a) the term 'motor vehicle' shall mean any passenger vehicle that has seats for more than nine passengers in addition to the driver, or any road tractor, or any tractor truck, or any truck having more than two axles.

"(b) the term 'motor carrier' shall mean every person, firm or corporation who or which operates or causes to be operated on any highway in this State any motor vehicle, as defined herein, except any resident person, firm or corporation owning or operating not more than one such motor vehicle for his own use and not for hire, and except any person, firm or corporation the motor vehicles of which are operated or caused to be operated wholly within this State.

"(c) the term 'operations' shall mean operations of all motor vehicles, whether loaded or empty, whether for compensation or not for compensation, and whether owned by or leased to the motor carrier who operates them or causes them to be operated.

"(d) the term 'motor fuel' shall mean and include gasoline, Diesel fuel, and any other inflammable liquid or substance by whatever name it may be known and sold, the use of which is as a fuel for the propulsion of motor vehicles.

"(e) the term 'Commissioner' shall mean the Commissioner of the State Department of Revenue.

"(f) the term 'gasoline tax' shall mean the tax imposed by Article 5, Chapter 20, of Title 51 of the Code of Alabama of 1940 as amended.

"(g) the term 'Diesel fuel tax' shall mean the tax imposed by Act No. 590, H. 392, General Acts of Alabama 1939, as amended."

Section 2. That Section 3 of Act No. 674 of the 1961 Regular Session of the Alabama Legislature, approved September 8, 1961, be and same is hereby amended to read, as follows:

"Section 3. Credit of payment of gasoline and motor fuel taxes.—(a) Every motor carrier subject to the tax hereby imposed shall be entitled to a credit on such tax equivalent to the rate per gallon of the applicable Alabama tax on motor fuel which is currently in effect on all motor fuel purchased by such motor carrier within this State for use in its operations either within or without this State and upon which the motor fuel tax has been paid by such motor carrier. Evidence of the payment of such taxes in such form as may be required by, or is satisfactory to, the Commissioner shall be furnished by each such carrier claiming the credit herein allowed. When the amount of the credit herein provided to which any motor carrier is entitled for any quarter exceeds the amount of the tax hereby imposed for which the motor carrier is liable for the same quarter, such

excess may under regulations of the Commissioner be allowed as a credit on the tax hereby imposed for which such motor carrier would be otherwise liable for any of the three succeeding quarters; or upon application within three years from the end of any quarter, duly verified and presented, in accordance with regulations promulgated by the Commissioner and supported by such evidence as may be satisfactory to the Commissioner, such excess may be refunded if it shall appear that the applicant has paid to another state under a lawful requirement of such state a tax, similar in effect to the tax herein provided, on the use or consumption in such state of motor fuel purchased in Alabama to the extent of such payment to said other state, but in no case to exceed the rate of the rate per gallon of the applicable Alabama tax on motor fuel which is currently in effect.

“(b) If the Commissioner shall refuse to allow a refund in the amount claimed by the applicant, the applicant may request a hearing which shall be before the Department of Revenue, with the burden being on the applicant, to prove its or his right, if any, to such refund. Such hearing shall be held by the Commissioner after notice to the applicant of not less than ten days. Whenever any refund is ordered it shall be paid by warrant of the state comptroller out of the same funds to which disbursed as provided in Section 7 hereof, and there is hereby appropriated out of said funds so much thereof as may be necessary to make refunds from time to time.”

Section 3. That Section 4 of an Act designated as Act No. 674 of the 1961 Regular Session of the Alabama Legislature, approved September 8, 1961, be and same is hereby amended to read, as follows:

“Section 4. Motor carriers to give bond.—Every motor carrier as herein defined, before being issued identification markers, and as one of the requirements therefor, shall file with the Department of Revenue a surety company bond, or a collateral bond with a negotiable government bond or government bonds posted with the Department as security therefor, in twice the amount of the average quarterly tax liability as estimated by the Commissioner, provided that in no case shall the bond be less than one thousand dollars or more than fifteen thousand dollars, payable to the State of Alabama and conditioned upon payment by the motor carrier of all amounts due or to become due under this Act from the date of the bond to the date when either the motor carrier or the surety company notifies the Commissioner that the bond has been cancelled subject to the conditions hereinafter enumerated. Where a surety bond is made the surety shall be a corporation authorized to write surety bonds in Alabama. So long as the bond remains in force the Commissioner

may order refunds to the motor carrier in the amounts appearing to be due on applications duly filed by the motor carrier under Section 3 of this Act without first auditing the records of the motor carrier. The surety in the case of the surety bond or the collateral posted in the case of the collateral bond shall stand good and indemnify the State for all amounts of taxes with penalties and interest thereon on any other amount owed by the motor carrier under this Act, but only for an amount or amounts which accrued or became due while the bond was in force. Any surety on a bond furnished by a licensee shall be released from all liability to this State accruing on such bond after the expiration of sixty days from the date upon which the surety has filed with the Department a written request to be released, but this request shall not operate to release the surety from any liability already accrued or which shall accrue before the expiration of the sixty-day period. The Department shall promptly, on receipt of the request, notify the licensee who furnished the bond; and unless the licensee shall before the expiration of the sixty-day period file with the Department a new bond in the amount and form herein provided, the Department shall forthwith cancel all identification markers issued to said motor carrier, thereby making those identification markers null and void. Such carrier shall not be entitled to any further benefits as a licensee under this Act unless he properly requalifies as such by conforming to all of said requirements. If, however, the new bond is furnished by the licensee as above provided, the Department shall cancel the bond for which the new bond is substituted, and the carrier's status shall remain unchanged."

Section 4. That Section 7 of Act No. 674 of the 1961 Regular Session of the Alabama Legislature, approved September 8, 1961, be and same is hereby amended to read, as follows:

"Section 7. Disposition of proceeds of tax.—The proceeds of the tax hereby imposed shall be disbursed as follows: that portion thereof that is attributable to the use of motor fuel subject to the gasoline tax, shall be disbursed in the manner provided by law for the disbursement of the proceeds of the gasoline tax; and that portion thereof that is attributable to the use of motor fuel subject to the diesel fuel tax, shall be disbursed in the manner provided by law for the disbursement of the proceeds of the diesel fuel tax. The cost of administering and enforcing this Act for each fiscal year shall be paid to the State Department of Revenue, to be allotted and budgeted under Title 55, Chapter 4, Article 3, Code of Alabama 1940, as amended, in addition to the regular appropriation to such Department. In addition to the monies appropriated as aforesaid to be used in administering and enforcing this Act, there is also hereby appropriated the sum of \$10,000 for the fiscal year 1965-66 and

\$15,000 for the fiscal year 1966-67 to be used by the Department for purchasing the identification marker decals required by Section 11 hereof."

Section 5. That Section 10 of Act 674 of the 1961 Regular Session of the Alabama Legislature, approved September 8, 1961, be and same is hereby amended to read, as follows:

"Section 10. Books and records, and inspection thereof.—
(a) All motor carriers subject to this Act shall keep proper books and records which will properly and accurately show and reflect, or from which can be readily ascertained, all taxes and other amounts which are provided for herein.

"(b) The Commissioner and his authorized agents and representatives shall have the right at any reasonable time to inspect the books and records of any motor carrier subject to said taxes. Records of the operation of the motor carriers under this Act shall be kept within this State by the motor carriers for not less than three years; provided, that the Commissioner may permit such books and records to be kept without this State upon agreement by any motor carrier to defray reasonable travel expenses incurred in inspecting such books and records without the State, or to return the books to the State for such purposes.

"(c) Upon failure or refusal of a motor carrier to keep the books and records required herein, or upon any motor carrier's failure or refusal to allow the Department of Revenue or its agents to inspect its books and records for the purpose of this Act, and where it is deemed necessary by the Department to verify the quarterly reports or to otherwise determine or verify the correct amount of any tax or taxes which might have accrued or become due, whether such reports be made or not, then such failure or refusal shall cause such motor carrier to forfeit all of its benefits under this Act, including the credits provided for under Section 3 of this Act. Moreover, the Department of Revenue, under such circumstances, is hereby authorized for the period or periods involved, to assess any and all taxes involved or which might have accrued on the basis of the best available information it can procure or ascertain, and to make a reasonable approximation of the amount of the taxes due from such information, and to assess the taxes accordingly.

"(d) The Department shall, from time time, promulgate regulations in which it shall from data and information compiled by it, make a reasonable approximation and estimate to be used in cases where a motor carrier fails or refuses to furnish or provide required records and proof of the number of miles per gallon shall be used by the Department in computing the taxes due this State by such carrier and in such cases."

Section 6. That Section 11 of Act No. 674 of the 1961 Regular Session of the Alabama Legislature, approved September 8, 1961, be and same is hereby amended to read, as follows:

"Section 11. Identification marker for motor vehicles.—The Commissioner shall provide by regulation for the issuance of an identification marker for every such motor vehicle for a fee of one dollar (\$1.00) per vehicle per year. The identification marker shall be in such form and of such size as the Commissioner may prescribe. Such identification marker shall be attached or affixed to the vehicle in the place and manner prescribed by the Commissioner so that the same is clearly displayed at all times. The identification markers herein provided for shall be issued on an annual basis as of January 1st each year and shall be valid through the next succeeding December 31st. All identification markers issued by the Commissioner shall remain the property of the State. The proceeds of identification marker fees attributable to motor vehicles using motor fuel subject to the gasoline tax shall be disbursed in the manner provided by law for the disbursement of the gasoline tax, and identification marker fees attributable to motor vehicles using motor fuel subject to the diesel fuel tax shall be disbursed in the manner provided by law for the disbursement of the proceeds of the diesel fuel tax. It shall be a violation of the Act for a motor carrier to operate or cause to be operated in this State any motor vehicle as defined herein unless the motor vehicle displays the required identification marker in the manner designated by the Commissioner; provided, however, the Commissioner by regulation may exempt from the requirement for displaying the identification marker such motor vehicles as urban and public transit motor vehicles or others if in his discretion they are clearly identifiable and the effective enforcement of this Act will not suffer thereby. In addition the Commissioner of Revenue may authorize the operation of a motor vehicle without the identification marker required, by issuing a trip permit, valid for not exceeding seven (7) days, for a fee of one dollar (\$1.00) payable in advance. Trip permits are to be obtained by motor carriers having only occasional or infrequent trips into and through the State. To be valid a trip permit must be supported by a valid invoice of current date showing that sufficient tax-paid fuel was purchased in the State to propel the vehicle for the number of miles it traveled over the highways of the State. In order for the Department to have sufficient time in which to prepare the identification markers for transmittal to the motor carrier, every motor carrier subject to this Act shall, between the dates of October 1 and November 15, of each year, furnish to the Department of Revenue an application, listing all motor vehicles operated by the motor carrier and for which an identification marker is required, giving for each vehicle the make, serial

number and type fuel used. Such application shall be accompanied by a remittance in an amount sufficient to cover the fee or fees herein provided for. Motor carriers acquiring additional motor vehicles after the date of November 15th of each year must obtain an identification marker for each such motor vehicle before operating said motor vehicle over the streets and highways of this state."

Section 7. That Section 12 of Act No. 674 of the 1961 Regular Session of the Alabama Legislature, approved September 8, 1961, be and same is hereby amended to read, as follows:

"Section 12. Sales without liability for tax on part of distributor.—The Department of Revenue shall, except where the Department has evidence to deny, permit the sale of motor fuel without liability for the gasoline tax or the diesel fuel tax on the part of a distributor or storer bonded and licensed in accordance with the provisions of Section 670 or 665(14), Title 51, Code of 1940, as amended, only when such motor fuel is sold to a motor carrier, as defined in this Act, for storage in bulk on such motor carrier's premises within the State of Alabama and which fuel is to be withdrawn for use only in motor vehicles used on the highways, provided such motor carrier has given bond with an authorized surety company in this state as surety thereon, or has posted with the Department a collateral bond with a negotiable government bond or government bonds as security therefor, for such sum as the Commissioner may fix to secure the payment of the gasoline tax or motor fuel tax, as the case may be, said surety bond or collateral bond to guarantee the prompt payment of all such taxes accruing and to include such other reasonable conditions as the Commissioner may require to the end that evasions of the taxes hereby imposed may be prevented. Every motor carrier who makes tax-free purchases of motor fuel, as herein provided for, shall account to the Department of Revenue for the total gallons of fuel so purchased by payment of the tax to this State on that portion used in propelling vehicles over the streets and highways of this State and by furnishing evidence of payment of applicable taxes to another state or states for that portion used in propelling vehicles over the streets and highways of such other states, and shall keep proper books and records clearly and accurately showing the amount of fuel purchased tax free from said distributors or storers, and the disposition made of such fuel, showing clearly the fuel used in this state and that used in other states. Failure of any motor carrier to keep the required records in this respect shall make all of the fuel so purchased and stored subject to tax and shall also subject such motor carrier to the forfeitures and penalties prescribed in Section 10(a) of this Act. Proof of the payment of taxes to this State and to other states for the purpose

of this Act shall be furnished by the taxpayer, where required by the Revenue Department, and shall be in such form as the Commissioner shall deem necessary to clearly establish that such taxes have been paid. The State Department of Revenue shall furnish to all distributors and storers who are bonded under the provisions of Sections 670 and 665(14), of Title 51 of the Code of Alabama of 1940, as amended, a list of the motor carriers who have furnished the surety bond herein provided for, and keep them informed of any changes made in such bonds or the status of the taxpayer thereunder."

Section 8. That Section 13 of Act No. 674 of the 1961 Regular Session of the Alabama Legislature, approved September 8, 1961, be and same is hereby amended to read, as follows:

"Section 13. Penalties.—Failure to comply with any provisions of this Act, including failure to pay the tax, or to file the required reports, or to keep the required books and records, or to comply with any rule or regulation issued by the Commissioner of Revenue pursuant to the provisions of this Act, shall be deemed a violation of the Act, and each such failure or violation shall constitute a misdemeanor and upon conviction any person who violates the Act shall be punishable by a fine of not more than \$300.00. Each such violation shall constitute a separate offense."

Section 9. That Section 16 of Act No. 674 of the 1961 Regular Session of the Alabama Legislature, approved September 8, 1961, be and same is hereby amended to read, as follows:

"Section 16. Nothing in this Act shall apply to any motor vehicle owned and operated by any department, board, bureau, commission or taxing area or other agency of the federal government or of the State of Alabama or any political subdivision thereof, nor shall the provisions of this Act apply to any school bus operated by the State of Alabama, any political subdivision thereof, or any private or privately operated school or schools."

Section 10. All laws or parts of laws which are in conflict or inconsistent with the provisions of this Act are, to the extent of such inconsistency or conflict, hereby expressly repealed.

Section 11. In the event any section, sentence, clause or provision of this Act shall be declared invalid or unconstitutional by any court of competent jurisdiction, such action shall not affect the validity of the remaining sections, sentences, clauses or provisions of this Act, which shall continue to be in full force and effect.

Section 12. This Act shall become effective October 1, 1965.

Approved September 1, 1965.

Time: 6:08 P. M.

Act No. 751

H. 330—Young

AN ACT

Relating to non-resident hunting licenses; providing for new types and new charges of non-resident hunting licenses; to repeal Title 8, Sections 32 and 33, as amended, by Act No. 872, page 1369, Acts of Alabama, 1961 Regular Session of the Alabama Legislature.

Be It Enacted by the Legislature of Alabama:

Section 1. Any non-resident of this State may procure an annual "small game only" hunting license to hunt all legal game in this State except deer and turkey by filing his application with the director or any judge of probate, or other person authorized to issue same, stating his age, color, place of residence, and post office address, and after paying to the person issuing said license a fee of Ten and 15/100 Dollars.

Section 2. Any non-resident of this State may procure an annual "all game hunt license" to hunt all legal game in this State by filing his application with the director or any judge of probate, or other person authorized to issue same, stating his age, color, place of residence, and post office address, and after paying to the person issuing said license a fee of Twenty-five and 15/100 Dollars.

Section 3. Any non-resident of this State may procure a "trip small game hunting license" to hunt all legal game in this State except deer and turkey in the same manner as provided for procuring non-resident annual hunting license provided for in Section 1 and 2, by paying therefor the sum of Seven and 15/100 Dollars, which license will authorize the holder thereof to hunt in this State for a period of seven (7) days from the day said license was issued. Two Dollars of the above said Seven and 15/100 Dollars are to be used for development and management of waterfowl areas.

Section 4. Any non-resident of this State may procure a "trip all game hunt license" to hunt all legal game in this State in the same manner as provided for procuring non-resident annual hunting license provided for in Sections 1 and 2, by paying therefor the sum of Ten and 15/100 Dollars (\$10.15), which license will authorize the holder thereof to hunt in this State for a period of seven (7) days from the day said license was issued.

Section 5. Section 32 and Section 33, as amended by Act No. 872, page 1369, Acts of Alabama, 1961 Regular Session of the

Alabama Legislature, of Title 8 of the Code of Alabama, 1940, and all other laws or parts of laws in conflict with the provisions of this Act are hereby expressly repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 1, 1965.

Time: 6:05 P. M.

Act No. 752

H. 391—Fite

AN ACT

To amend Section 11 of Act 278, of the First Extraordinary Session of 1965 (H.B. 182 First Extraordinary Session 1965), to provide for a scholarship program for medical education.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 11 of Act 278, First Extraordinary Session of 1965, be and the same is hereby amended to read as follows:

“Section 11. APPROPRIATION AND RETURN OF UN-EXPENDED BALANCES.—There is hereby appropriated \$130,000 or so much thereof as may be necessary for each of the fiscal years ending September 30, 1966 and September 30, 1967 to the Board of Medical Scholarship Awards out of the Alabama Special Educational Trust Fund to finance the scholarships provided for by this Act and an additional \$5,000 for each of the above fiscal years is appropriated from the Alabama Special Educational Trust Fund for the administration of this Act. Any sums recovered by the Board of Medical Scholarship Awards from recipients of such scholarships, or paid by such recipients to such Board, shall be paid by such Board into the State Treasury to the credit of the Alabama Special Educational Trust Fund.”

Section 2. All laws or parts of laws which conflict with this Act are hereby expressly repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 1, 1965.

Time: 6:07 P. M.

Act No. 753

H. 393—Fite

AN ACT

To amend Section 6 of Act No. 107 of the Regular Session of 1959, Acts of Alabama, 1959, Volume I, page 604.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 6 of Act No. 107 of the Regular Session of 1959, Acts of Alabama, 1959, Volume I, page 604 is hereby amended to read as follows:

"Section 6. Fees Payable by Applicants. The fee for examination by the Board shall be twenty-five dollars. There shall be no fee for one (1) subsequent re-examination, but the fee for any re-examination beyond this first one shall be the same as for the original examination. The fee for the issuance of a certificate in the case of a waived examination, as hereinafter provided, shall be fifteen dollars. All fees shall be paid to the Secretary of the Board and thereafter remitted to the General Fund of the State Treasury."

Section 2. All laws or parts of laws which conflict with this Act are hereby expressly repealed.

Section 3. This Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming law.

Approved September 1, 1965.

Time: 6:06 P. M.

Act No. 754

H. 395—Fite

AN ACT

To make an appropriation for the support of the Council of State Governments.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated, out of any funds in the State Treasury not otherwise appropriated, the sum of sixteen thousand dollars (\$16,000) annually for each of the fiscal years ending September 30, 1966 and September 30, 1967 to the Council of State Governments located in Chicago, Illinois, to be used for the support of the Council.

Section 2. That the State Comptroller is hereby authorized to draw his warrant payable to the Executive Secretary of the Council of State Governments for such amounts of the above appropriation as may be released and approved for payment by the Governor.

Section 3. This Act shall become effective October 1, 1965.

Approved September 1, 1965.

Time: 6:04 P. M.

Act No. 755

H. 396—Fite

AN ACT

To make an appropriation for the support of the Commission on Mental Illness of the Southern Regional Education Board.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated out of any funds in the State Treasury not otherwise appropriated the sum of Eight Thousand Dollars (\$8,000.00) annually, for each of the fiscal years ending September 30, 1966 and September 30, 1967, to the Commission on Mental Illness of the Southern Regional Education Board, to be used for the support of the Commission.

Section 2. The State Comptroller is hereby authorized and directed to draw his warrant on the State Treasury, payable to the executive secretary of the Southern Regional Education Board, or other proper official as may be determined, for such amounts of the appropriations as may be released and approved for payment by the Governor.

Section 3. This Act shall become effective October 1, 1965.

Approved September 1, 1965.

Time: 6:03 P. M.

Act No. 756

H. 397—Fite, Turnham

AN ACT

To provide for cooperation by the State of Alabama with other Southern States in nuclear development of the South, and making an appropriation for that purpose.

Be It Enacted by the Legislature of Alabama:

Section 1. A sum not to exceed Five Thousand Eight Hundred and Eighty-two Dollars (\$5,882.00) is hereby appropriated for the fiscal year ending September 30, 1966, and the sum of Four Thousand Six Hundred and Forty-Six Dollars (\$4,646.00) for the fiscal year ending September 30, 1967, from any funds in the State Treasury not otherwise appropriated, for support of the Southern Interstate Nuclear Board to be released and spent as the Governor may direct.

Section 2. This Act shall become effective October 1, 1965.

Approved September 1, 1965.

Time: 6:02 P.M.

Act No. 757

H. 398—Fite

AN ACT

To make an appropriation to the use of Choccolocco Creek Watershed Association.

Be It Enacted by the Legislature of Alabama:

Section 1. The sum of four thousand dollars, or so much thereof as may be necessary, is hereby appropriated from any funds in the State Treasury not otherwise appropriated, for each of the fiscal years ending September 30, 1966 and September 30, 1967, to Choccolocco Creek Watershed Association of Calhoun County, for the purpose of promoting the development of public improvements. The money herein appropriated shall be paid out by the State Treasurer out of any money in the State Treasury not otherwise appropriated upon warrants issued by the State Comptroller; and the State Comptroller shall issue his warrants upon requisitions signed by the president or comptroller of Choccolocco Creek Watershed Association and approved by the Governor.

Section 2. This Act shall become effective October 1, 1965.

Approved September 1, 1965.

Time: 6:01 P.M.

Act No. 758

H. 403—Fite

AN ACT

To make an appropriation to the Office of the Attorney General for the fiscal year ending September 30, 1965.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated, in addition to all other appropriations heretofore made, to the Office of the Attorney General out of funds in the State Treasury to the credit of the General Fund, the sum of Five Thousand Dollars (\$5,000) for the fiscal year ending September 30, 1965, to be expended for the operation and maintenance of the office.

Section 2. This Act shall become effective upon its passage

and approval by the Governor, or upon its otherwise becoming a law.

Approved September 1, 1965.

Time: 6:00 P. M.

Act No. 759

H. 594—Turner (Crenshaw)

AN ACT

TO PROVIDE FOR THE AMENDMENT OF THE STATUTE OF LIMITATIONS SET FORTH IN SECTION 16 (b), ACT 100, SECOND SPECIAL SESSION, LEGISLATURE 1959; TO PROVIDE FOR THE WAIVING OF SUCH LIMITATION; TO PROVIDE FOR AN EXTENSION OF THE TIME WITHIN WHICH A REFUND MAY BE MADE; TO AUTHORIZE RULES AND REGULATIONS FOR THE ADMINISTRATION OF THIS ACT.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 16 (b), Act 100, Second Special Session, Legislature 1959, is hereby amended to read as follows:

“Any notice, provided for by this Act, of an amount due under this Act shall be given or any action in court for the collection of such amount shall be begun within three years of the due date of such amount. Provided, however, in the case of a false or fraudulent return with intent to evade payment of taxes imposed by this Act or a failure to file a return, the tax may be assessed or a proceeding in court for the collection of such tax may be begun at any time. The Department of Revenue and the taxpayer, before the expiration of the time prescribed herein, may agree in writing to an extension of the time during which such proceedings may be begun. The period so agreed upon may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon. The Department of Revenue shall also be authorized in such agreement to extend equally the period within which the taxpayer may file a claim for refund of such taxes where such agreement is entered into before a claim for refund is barred because of the lapse of time. The Commissioner of Revenue shall adopt such rules and regulations as he deems necessary for the proper administration of this section.”

Section 2. This Act shall not apply with respect to any audit or proceedings begun prior to the effective date of this Act.

Section 3. This Act shall take effect on the first day of the month next succeeding its passage and approval or otherwise becoming law.

Approved September 1, 1965.

Time: 5:54 P. M.

Act No. 760

H. 655—Fite

AN ACT

To make appropriations from the state treasury for use in administering the Appalachian Regional Development Program for Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The sum of \$17,375 is hereby appropriated from any funds in the state treasury not otherwise appropriated, to the use of the Governor for paying Alabama's share of the expenses incurred by the Appalachian States' regional representative in the administration of the Federal Appalachian Regional Development Program. The appropriations herein made shall be released only upon the orders of the Governor, and shall be in addition to any federal funds provided for the purposes herein described.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 1, 1965.

Time: 5:53 P. M.

Act No. 761

H. 684—Goodwyn

AN ACT

TO PROVIDE FOR CREDIT ON THE TAX LEVIED BY SECTION 788, TITLE 51, CODE OF ALABAMA 1940, AS AMENDED, FOR SALES OR USE TAXES PAID TO OTHER STATES, PROVIDED CREDIT IS ALLOWED BY OTHER STATES FOR TAXES PAID ON SIMILAR PROPERTY IN ALABAMA.

Be It Enacted by the Legislature of Alabama:

Section 1. If a sales or use tax equal to or greater than the amount of the Alabama tax is paid to another state under a requirement of law, the property which is the subject of such tax, when imported for use or consumption in Alabama, is not subject to the use tax, which is required to be paid by Section 788, Title 51, Code of Alabama 1940, as amended. If the amount of tax paid to the other state is less than the Alabama tax, then the difference between the out-of-state tax and the Alabama tax must be paid. No credit will be allowed for taxes paid on tangible personal property in any state which does not give credit for taxes paid on similar property in Alabama. The Commissioner of Revenue shall require such proof of payment of tax to another state as he deems to be necessary and proper.

Section 2. The Commissioner of Revenue shall adopt such

rules and regulations as he deems necessary for the proper administration of this Act.

Section 3. This Act shall take effect on the first day of the month next following the month in which it is adopted and approved by the Governor or otherwise becomes law.

Approved September 1, 1965.

Time: 5:52 P. M.

Act No. 762

H. 730—Goodwyn

AN ACT

TO PROVIDE FOR THE PAYMENT OF INTEREST ON REFUNDS OF SALES AND USE TAX LEVIED UNDER SECTION 2, AS AMENDED, ACT 100, SECOND SPECIAL SESSION, 1959 AND SECTION 788, TITLE 51, CODE OF ALABAMA 1940, AS AMENDED.

Be It Enacted by the Legislature of Alabama:

Section 1. On any overpayment of sales and use tax levied under the provisions of Section 2, as amended, Act 100, Second Special Session, 1959, and Section 788, Title 51, Code of Alabama 1940, as amended, the Department shall pay, in addition to the overpayment, interest thereon at the rate of one-half of one per cent per month, or fraction thereof, from the date of such overpayment.

Section 2. The Commissioner of Revenue shall adopt such rules and regulations as he deems necessary for the proper administration of this Act.

Section 3. This Act shall take effect on the first day of the month next following the month in which it is adopted and approved by the Governor or otherwise becomes law.

Approved September 1, 1965.

Time: 5:51 P. M.

Act No. 763

H. 782—Engel, McDermott

AN ACT

To amend Section 2 of Act No. 48, H. 34, approved November 1, 1950 (Acts of Alabama, 1951, p. 102) as amended, entitled "An Act to provide old-age and survivors insurance for certain officers and employees of the State and Local governments and making appropriations therefor."

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 2 of Act No. 48, H. 34, approved

November 1, 1950 (Acts of Alabama, 1951, p. 102) as amended, entitled "An Act to provide old-age and survivors insurance for certain officers and employees of the State and Local governments and making appropriations therefor," as amended, be and the same is hereby amended to read as follows:

"Section 2. Definitions. For the purposes of this Act—

"(a) The term 'wages' means all remuneration for employment as defined herein, including the cash value of all remuneration paid in any medium other than cash, except that such term shall not include that part of such remuneration which, even if it were for 'employment' within the meaning of the Federal Insurance Contributions Act, would not constitute 'wages' within the meaning of that Act.

"(b) The term 'employment' means any service performed by an employee in the employ of the State, or any political subdivision thereof, or any instrumentality of either, for such employer, except (i) service which in the absence of an agreement entered into under this Act would constitute 'employment' as defined in section 210 of the Social Security Act; or (ii) service which under applicable Federal Law may not be included in an agreement between the State and the Federal Agency entered into under this Act.

"(c) The term 'employee' includes an officer of a state, political subdivision, or instrumentality, whose compensation is paid from funds of the state, political subdivision, instrumentality or employing official, and includes all elected or appointed (salaried and fee basis) officers, deputies, assistants and clerks, substitute teachers or any other employees.

"(d) The term 'State Agency' means the State Agency for Social Security and the State Social Security Advisory Board provided for here, or a majority of them, to-wit: one member to be a state employee in a permanent classified position under the Alabama Merit System appointed by the Governor; two members to be county officials or employees appointed by the Governor from nominations made by the executive authority of the Association of Probate Judges and County Commissioners; and two members to be municipal officials or employees appointed by the Governor from nominations made by the executive authority of the Alabama League of Municipalities; and each member shall serve during his good behavior, to be determined by the appointing power, or during his continuance in office or employment, as the case may be.

"The State Agency for Social Security shall be under the supervision of the Director of Social Security, who shall be appointed by the State Social Security Advisory Board. All other

employees shall be appointed by the Director, with the approval of the State Social Security Advisory Board, subject to the provisions of the Alabama State Merit System. Subject to the supervision and control of the Board, the Director shall carry out the provisions of this Act, and all regulations established hereunder by the Board, and shall perform such other duties as may be prescribed by the Board not in conflict with law.

"The Director of Social Security shall be provided with such clerical and technical assistants as may be necessary to carry out the provisions of this Act.

"The Director of Social Security shall receive a salary commensurate with the duties and responsibilities required of the Director under the provisions of this Act. The exact amount of such salary shall be determined by the Advisory Board, payable in the same manner as the salaries of other State officers and employees under the merit system.

"(e) The term 'Federal Agency', means in each case such Federal officer, department, or agency as is charged on behalf of the Federal Government, by or under the applicable Federal law, with the particular Federal function referred to in this Act in connection with such term.

"(f) The term 'political subdivision' includes any county, township, municipal corporation, school district, or other equivalent governmental entity.

"(g) The term 'instrumentality' when referring to an instrumentality of the State or political subdivision, includes only a legal entity which is separate and distinct from the State or such subdivision and whose employees are not by virtue of their relation to such entity employees of the State or such subdivision.

"(h) The term 'applicable Federal law' refers to the provisions of the Federal law, Public Law 734, 81st Congress, as such Act may from time to time be amended (including Federal regulations and requirements issued pursuant thereto), or any other Federal laws which provide for extending the benefits of Title II of the Social Security Act to employees of states, political subdivisions, and their instrumentalities.

"(i) The term 'Social Security Act' means the Act of Congress approved August 14, 1935, Chapter 531, 49 Stat. 620, officially cited as the 'Social Security Act', as such Act has been and may from time to time be amended.

"(j) The term 'Federal Insurance Contributions Act' means sub chapter A of Chapter 9 of the Federal Internal Revenue Code as such Code has been and may from time to time be amended.

Section 2. This Act is remedial and shall be given retro-active effect.

Section 3. This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 1, 1965.

Time: 5:57 P. M.

Act No. 764

H. 1107—Turner (Crenshaw)

AN ACT

To amend further Code of Alabama 1940, Title 51, Section 348, which relates to the franchise tax levied on foreign corporations.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1940, Title 51, Section 348, as amended, is amended further to read as follows:

“Section 348. A. Amount of levy on foreign corporations.—Every corporation organized under the laws of any other state, nation, or territory and doing business in this state, except strictly benevolent, educational or religious corporations, shall pay annually to the state an annual franchise tax of \$2.50 on each \$1,000.00 of the actual amount of its capital employed in this state. Corporations which have qualified to do business in this state shall for the purpose of this title *prima facie* be held to be doing business in Alabama.

“B. Definition of capital.—The total capital of such foreign corporation shall be deemed to be an amount equal to the sum of the following:

“1. The outstanding capital stock;

“2. Surplus and undivided profits, which shall include any amounts designated for the payment of dividends until such amounts are definitely and irrevocably placed to the credit of stockholders subject to withdrawal on demand;

“3. The amount of bonds, notes, debentures or other evidences of indebtedness maturing and payable more than one year after the first day of the franchise tax year;

“4. The amount of the bonds, notes, debentures or other evidences of indebtedness maturing and payable at any time to (a) any individual stockholder owning directly or indirectly 10% or more of the capital stock of such foreign corporation or (b) another corporation owning more than 50% of the capital stock

of such corporation, or (c) another corporation more than 50% of the capital stock of which is owned by such foreign corporation, and which other corporation referred to in (b) or (c) is not also required to pay a franchise tax to the state of Alabama;

"5. The amount reasonably required to adjust the depreciable property accounts for any rapid, excessive, or unreasonable depreciation charges, or amortization, so as to restore the depreciable property accounts, for franchise tax purposes, to original cost less depreciation computed on the basis of the useful life of such property to the corporation.

"C. Determination of capital employed in state.—The actual amount of such total capital as herein defined which is employed in this state shall be determined in accordance with generally accepted accounting principles appropriate in the particular case and such determination shall establish a rebuttable presumption as to the actual amount of capital employed by the corporation in this state; provided, however, that in the case of organizations whose accounts and records are kept according to rules prescribed by a regulatory agency or instrumentality of the United States or by the Alabama public service commission, or by a state insurance department, the actual amount of capital employed in this state as so determined shall in no event exceed the value of the sum of (1) its tangible property located in this state and (2) its intangible property employed in the conduct of its business in this state.

"D. Exclusions and deductions.—(1) There shall be excluded from the amount of capital as determined in subsection B the amount invested by the taxpayer in the capital stock of other corporations organized under the laws of Alabama, or under the laws of any other state if such other corporations also pay a franchise tax to the state of Alabama, unless the taxpayer is a dealer in stocks or securities and (2) there shall be deducted from the amount of capital employed in this state as determined in accordance with subsections B and C hereof, the following amounts: (a) The aggregate amount of loans of money made by the taxpayer in this state and which shall be secured by existing mortgage or mortgages to it on real estate in this state and upon which mortgage or mortgages there shall have been paid the recording privilege tax provided by law; and (b) the amount invested by the taxpayer in bonds or other securities issued by the state of Alabama, or any county, municipality or other political subdivision of the state of Alabama, unless such corporation is a dealer in securities."

Section 2. That all laws and parts of laws, general or special, in conflict with the provisions of this Act be and the same are hereby expressly repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 1, 1965.

Time: 5:56 P. M.

Act No. 765

H. 1140—Fite

AN ACT

To make a supplemental appropriation for the payment of salaries from the Alabama Special Educational Trust Fund.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to any appropriations heretofore made for that purpose, there is hereby appropriated from the Alabama Special Educational Trust Fund the following amounts for the purposes stated for each of the fiscal years ending September 30, 1966 and September 30, 1967.

Section 2.

A.	The Department of Education	
	For other salaries	\$17,719.00
B.	Department of Education—	
	Plans and Surveys	
	For salaries	1,056.00
C.	National Defense Education Program	
	For salaries	4,250.00
D.	Civil Defense Survival Plan	
	For salaries	375.00
E.	Coordination of In-School Television	
	Program	
	For salaries	681.00
F.	Trainable Retarded Children Program	
	For salaries	1,200.00
G.	Vocational Education Program	
	For salaries	1,624.00

Section 3. This Act shall become effective October 1, 1965.

Approved September 1, 1965.

Time: 5:55 P. M.

Act No. 766

H. 1141—Fite

AN ACT

To amend further Section 5 of Act No. 298, S. 137, Regular Session 1947, an act providing for licensing persons selling alcoholic liquors.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 5 of Act No. 298, S. 137, Regular Session 1947, an act providing for licensing of persons selling alcoholic liquors (General Acts 1947, p. 149), as amended by Act No. 589, H. 27, approved September 16, 1963 (Acts 1963, p. 1285) is amended further to read as follows:

"Section 5. The revenue derived from filing fees paid under this Act shall be paid into the State Treasury to the credit of the Beer Tax and License Fund of the Alabama Alcoholic Beverage Control Board. The revenue derived from the license taxes imposed by the Act shall be paid into the State Treasury and shall be distributed as follows: One-half part thereof shall be credited to the State Public Welfare Trust Fund and shall be used for old age assistance purposes only; the remainder of such proceeds shall be set aside in the Special Mental Health Fund and shall be used only for mental health purposes; including the prevention of mental illness, the care and treatment of the mentally ill and the mentally deficient, the acquisition, equipment, operation and maintenance of facilities for mental health purposes, the establishment and operation of regional and community mental health clinics, the training of mental health personnel and drugs for medically indigent, non hospitalized mental patients. The Student Scholarship Fund is hereby abolished and any monies remaining in said fund, on the effective date of this Act, shall be deposited into the Treasury to the credit of the Special Mental Health Fund."

Section 2. That all laws or parts of laws in conflict herewith are expressly repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 1, 1965.

Time: 6:39 P. M.

Act No. 767

S. 160—Mathews

AN ACT

To amend further Act No. 47, H. 29, approved May 24, 1951 (Acts of Alabama, 1951, page 259), entitled "An Act to provide educational

benefits to certain disabled veterans; to dependents and survivors of disabled veterans; and to dependents and survivors of deceased servicemen or veterans."

Be It Enacted by the Legislature of Alabama:

Section 1. Section 4 of said Act No. 47, H. 29, approved May 24, 1951, is further amended to read as follows:

"Section 4. Every bona fide permanent resident of at least one year's residence in the State of Alabama before entrance into service or who has been a bona fide resident of the State of Alabama for at least five (5) years immediately prior to filing application for benefits under this Act, who served in the armed forces of the United States at least ninety days between January 1, 1917 and November 11, 1918, and September 16, 1940 and July 25, 1947, or was discharged or released therefrom by reason of service-connected disability after serving less than ninety days, or who served at any time subsequent to June 24, 1950 when the United States was, is or shall be engaged in hostilities with any foreign state, whether as a result of a declared war or not, and if he or she has been discharged or released from the service under conditions other than dishonorable, shall be entitled to take any extension or correspondence course from any State college or university offering same, without the payment of any fees or charge for such extension or correspondence course. The veteran taking advantage of this provision of the Act must do so within four years from passage and approval thereof, or within four years from the date of his or her discharge, which ever occurs last. Provided, however, no veteran shall be entitled to such correspondence or extension course during the time he or she is receiving educational benefits under the Servicemen's Readjustment Act of 1944, as amended, or if he or she has already received maximum benefits to which he or she was entitled under the Servicemen's Readjustment Act of 1944, as amended."

Section 2. Section 5 of said Act No. 47, H. 29, approved May 24, 1951, is further amended to read as follows:

"Section 5. Any veteran who applies for benefits under this Act must produce sufficient identification, sufficient proof of being a permanent resident of this State, of at least one year prior to his or her entrance into service, or who has been a bona fide resident of the State of Alabama for at least five (5) years immediately prior to filing application for benefits under this Act, and must produce an honorable discharge or other proof of honorable termination of at least ninety days of service in the armed forces, or service of less than ninety days if discharged or released by reason of service-connected disability, before application for any such benefits can be approved. The wife, widow, or

child who makes application for any educational benefits under this Act must produce sufficient identification that such person is the wife, widow, or child of such disabled veteran or deceased serviceman or veteran, sufficient proof that their husband, father, or mother, as the case may be, is or was a permanent resident of the State of Alabama, of at least one year's residence prior to his or her entrance into the service, and, in the case of wives, widows, and children of veterans, must produce an honorable discharge or other proof of honorable termination of service of such veteran in the armed forces, for a period of at least ninety days between the dates hereinabove mentioned, or service of less than ninety days if discharged or released by reason of service-connected disability. For the purposes of this Act it is mandatory that war time service-connected disability or death therefrom be established by the State Department of Veterans Affairs on the basis of facts provided by the United States Veterans Administration or other appropriate federal agencies."

Section 3. Section 10 of said Act No. 47, H. 29, approved May 24, 1951, is further amended to read as follows:

"Section 10. There is hereby appropriated from the Alabama Special Educational Trust Fund such an amount as may be necessary to reimburse every Alabama state institution of higher learning, college, university or Alabama state trade school or junior college, in which benefits are given to veterans, their wives, widows, or children under this Act. Such reimbursement shall be made at the end of each academic quarter or semester for all fees waived by such institution, college, university, or school under this Act, and shall be made on the basis of certified invoices submitted by such institution or school to the State Department of Veterans Affairs, and shall be supported by names of the students receiving such benefits, together with the amounts claimed for each student."

Section 4. All laws or parts of laws which conflict with this Act are hereby expressly repealed.

Section 5. This Act shall become effective October 1, 1965.

Approved September 1, 1965.

Time: 5:58 P. M.

Act No. 768

S.J.R. 65—McDow

SENATE JOINT RESOLUTION

Creating a joint interim committee on educational institutions.

WHEREAS this Legislature has established one four-year

institution, fourteen junior colleges, and sixteen trade schools, for a total of thirty new institutions of higher education, and has increased appropriations to higher education during this Administration by more than 25 million dollars, which represents an increase of more than 100% in support of institutions of higher learning; and

WHEREAS we have in Alabama a total of eleven four-year state institutions, fourteen private and parochial four-year institutions, fifteen two-year state institutions, six two-year private and parochial institutions, seven state branch campuses and twenty-seven state vocational technical schools, for a total of eighty institutions of higher education; and

WHEREAS Alabama has the greatest percentage increase in enrollment in institutions of higher learning in the nation for the school year 1964-65, and it is apparent to this Legislature that a careful study should be made with respect to the problem of coordinating all of the efforts of these various institutions of Alabama; now therefore,

BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, That a joint interim committee shall be named to study this important matter and report its findings, conclusions, and recommendations to the two houses at the next regular session of the Legislature; that the committee shall consist of five members of the House, appointed by the Speaker, four members of the Senate, appointed by the President of the Senate.

RESOLVED FURTHER That the committee shall elect a chairman and vice chairman from among their number, and shall hold such hearings, examine such witnesses, and conduct such studies and make such inquiries as it considers necessary and proper in the performance of its duties. The committee may engage such clerks and assistants as may be needed in aid of their work.

RESOLVED FURTHER, The members of the committee shall be entitled to their usual legislative compensation and expenses when engaged on committee business; and the per diem pay and expenses of members and the compensation of committee employees shall be paid from funds appropriated to the use of the Legislature on certificate of the committee chairman, provided that the total amount thereof shall not exceed \$15,000 altogether.

Approved September 1, 1965.

Time: 7:30 P. M.

Act No. 769

S.J.R. 75—Metcalf

SENATE JOINT RESOLUTION

BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, That when the two Houses adjourn today, they adjourn sine die, and

BE IT FURTHER RESOLVED That a committee of six (6) be appointed, three members of the House to be appointed by the Speaker of the House and three members of the Senate, to be appointed by the Presiding Officer of the Senate, to wait upon the Governor and inform him that the Legislature now stands ready to adjourn sine die and awaits any further message that he might desire to transmit.

Approved September 1, 1965.

Time: 5:59 P. M.

Act No. 770

H. 390—Fite

AN ACT

To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, and for the interest on the public debt and for the public schools.

Be It Enacted by the Legislature of Alabama:

Section 1. That, for the purpose of this Act, the following classifications, definitions and restrictions shall be applicable to the appropriations herein made: (a) "salary" and "other salaries", wherever appearing herein, shall mean the wages or other compensation for skill, work or employment for anyone performing services for the State of Alabama as an employee, officer or official, and shall be expended only for such purposes; (b) "other expenses" shall mean the operating costs of agencies, departments, boards, bureaus and institutions of the State, other than salaries and equipment purchases, and shall be expended only for operating costs incident to the normal operations of such agencies, departments, boards, bureaus and institutions including supplies and materials, postage, telephone, telegraph, express, travel expense, motor vehicle operations, lights, water, power, insurance and bonding, printing and binding, repairs, rents and items of general expense not defined as "equipment purchases" and the money appropriated therefor shall be expended only for such purposes; (c) "equipment purchases" shall mean those items of office equipment, motor vehicle equipment and other equipment which have an appreciable and calculable period of usefulness in excess of one year and the

money appropriated therefor shall be expended only for such purposes.

Section 2. There is hereby appropriated for the ordinary expenses of the executive, legislative, and judicial departments of the State, for the interest on the public debt, and for the public schools for each of the two fiscal years ending respectively September 30, 1966 and September 30, 1967, to be paid out of any moneys in the State Treasury not otherwise appropriated, the several sums of money hereinafter specified, from such funds and accounts as may be designated, or so much thereof as may be necessary, and the total amount to be expended for the items for which the appropriation is herein made shall not exceed the amount provided therefor and the amounts herein appropriated for "equipment purchases" shall not be increased by the expenditure of any revenue derived from the sale, trade-in or exchange of the items of personal property described in Section 1 (c) hereof.

FROM THE GENERAL FUND

I. LEGISLATIVE:

- | | |
|---|---------------|
| (1) For the salaries of the Clerk of the House and the Secretary of the Senate and for other salaries and other expenses for the fiscal year ending September 30, 1966, and for the salaries and expenses of the Legislature for extraordinary sessions | \$ 100,000.00 |
| (2) For the salaries of the Clerk of the House and the Secretary of the Senate and for other salaries and other expenses and for any expenses for any legislative sessions for the fiscal year ending September 30, 1967 | 1,000,000.00 |
| (3) For the printing of Legislative Acts and Journals:
For the fiscal year ending September 30, 1966, estimated | 75,000.00 |
| For the fiscal year ending September 30, 1967, estimated | 15,000.00 |

(4) For Legislative Council expenses		10,000.00
(5) LEGISLATIVE REFERENCE SERVICE:		
For the fiscal year ending September 30, 1966:		
For salary of the Director	14,000.00	
For other salaries	65,513.00	
For other expenses	5,500.00	
For equipment purchases	500.00	
Total		85,513.00
For the fiscal year ending September 30, 1967:		
For salary of the Director	14,000.00	
For other salaries	66,805.00	
For other expenses	5,500.00	
For equipment purchases	500.00	
Total		86,805.00
(6) DEPARTMENT OF EXAMINERS OF PUBLIC ACCOUNTS:		
For the fiscal year ending September 30, 1966:		
For the salary of the Chief Examiner	12,000.00	
For the salary of the Assistant Chief Examiner	10,000.00	
For other salaries	603,477.00	
For other expenses	216,700.00	
For equipment purchases	10,000.00	
Total		852,177.00
For the fiscal year ending September 30, 1967:		
For the salary of the Chief Examiner	12,000.00	
For the salary of the Assistant Chief Examiner	10,000.00	
For other salaries	627,278.00	
For other expenses	216,700.00	
For equipment purchases	3,500.00	
Total		869,478.00

II. JUDICIAL:

(1) THE SUPREME COURT:

For the salaries of the Chief Justice and six Associate Justices	115,500.00	
For the salary of the Clerk of the Court	7,500.00	
For the salary of the Deputy Clerk of the Court	11,000.00	
For the salary of the Court Reporter	11,000.00	
For other salaries	156,413.00	
For other expenses	20,000.00	
For equipment purchases	2,000.00	
Total		323,413.00
For the Supreme Court Library Fund		11,400.00

(2) THE COURT OF APPEALS:

For the fiscal year ending September 30, 1966:		
For salaries of the three judges	48,000.00	
For other salaries	62,430.00	
For other expenses	3,500.00	
For equipment purchases	1,000.00	
Total		114,930.00
For the fiscal year ending September 30, 1967:		
For salaries of the three judges	48,000.00	
For other salaries	62,430.00	
For other expenses	8,000.00	
For equipment purchases	1,000.00	
Total		119,430.00

(3) THE CIRCUIT COURTS:

For the fiscal year ending September 30, 1966:		
For the salaries of the judges of the Circuit Courts estimated		840,000.00
For travel expenses of circuit judges		13,000.00

For telephone service, stationery, stamps, and necessary equipment for the office use of circuit judges	20,000.00
For the salaries and travel expenses of special judges, estimated	5,000.00
For salaries of circuit solicitors, estimated	280,500.00
For salary of the elected Deputy Circuit Solicitor of the Bessemer Division of the 10th Judicial Circuit ...	8,500.00
For the salary of the appointed Assistant Deputy Solicitor of the Bessemer Division of the 10th Judicial Circuit	3,600.00
For the salary of the First Deputy Solicitor of the Birmingham Division of the 10th Judicial Circuit ...	5,700.00
For the salaries of the Second and Third Deputy Solicitors of the Birmingham Division of the 10th Judicial Circuit	10,000.00
For the salaries of the Fourth, Fifth and Sixth Deputy Solicitors of the Birmingham Division of the 10th Judicial Circuit; \$4,000.00 each	12,000.00
For the salary of the Deputy Circuit Solicitor of the 4th Judicial Circuit	8,500.00
For the salary of the Deputy Circuit Solicitor of the 6th Judicial Circuit	4,500.00
For the salaries of the Deputy Circuit Solicitors of the 13th Judicial Circuit ...	23,600.00
For the salary of the Deputy Circuit Solicitor of the 15th Judicial Circuit	7,800.00

For the salaries of the Deputy Circuit Solicitors of the 16th Judicial Circuit ..	6,000.00	
For the salary of the Deputy Circuit Solicitor of the 23rd Judicial Circuit	8,400.00	
For the travel expenses of circuit solicitors, estimated	8,400.00	
For telephone service, stationery, stamps, and necessary equipment for the office use of circuit solicitors, deputy circuit solicitors or assistants	25,000.00	
Total		412,500.00
For salary of supernumerary circuit solicitors, estimated		15,600.00
For expenses of supernumerary circuit solicitors, estimated		6,000.00
For the fiscal year ending September 30, 1967:		
For the salaries of the judges of the Circuit Courts estimated		840,000.00
For travel expenses of circuit judges		13,000.00
For telephone services, stationery, stamps, and necessary equipment for office use of circuit judges		20,000.00
For the salaries and travel expenses of special judges, estimated		5,000.00
For salaries of circuit solicitors, estimated	308,500.00	
For salary of the elected Deputy Circuit Solicitor of the Bessemer Division of the 10th Judicial Circuit ..	8,500.00	
For the salary of the appointed Assistant Deputy Solicitor of the Bessemer Division of the 10th Judicial Circuit	3,600.00	

For the salary of the First Deputy Solicitor of the Birmingham Division of the 10th Judicial Circuit ...	5,700.00
For the salaries of the Second and Third Deputy Solicitors of the Birmingham Division of the 10th Judicial Circuit	10,000.00
For the salaries of the Fourth, Fifth and Sixth Deputy Solicitors of the Birmingham Division of the 10th Judicial Circuit; \$4,000.00 each	12,000.00
For the salary of the Deputy Circuit Solicitor of the 4th Judicial Circuit	9,350.00
For the salary of the Deputy Circuit Solicitor of the 6th Judicial Circuit	4,500.00
For the salaries of the Deputy Circuit Solicitors of the 13th Judicial Circuit ...	23,600.00
For the salary of the Deputy Circuit Solicitor of the 15th Judicial Circuit	7,800.00
For the salaries of the Deputy Circuit Solicitors of the 16th Judicial Circuit ...	6,000.00
For the salary of the Deputy Circuit Solicitor of the 23rd Judicial Circuit	8,400.00
For the travel expenses of circuit solicitors, estimated	8,400.00
For telephone service, stationery, stamps, and necessary equipment for the office use of Circuit Solicitors, deputy Circuit Solicitors or assistants	25,000.00
Total	441,350.00

For the salary of supernumerary circuit solicitors, estimated	15,600.00
For expenses of supernumerary circuit solicitors, estimated	6,000.00
(4) COURT REPORTERS:	
For the compensation of the circuit court reporters, estimated	210,000.00
For the compensation of the supernumerary circuit court reporters, estimated	9,400.00
(5) SUPERNUMERARY JUDGES:	
For salaries of supernumerary judges and justices, estimated	45,000.00
For expenses of supernumerary judges and justices, estimated	10,000.00

III. EXECUTIVE:

A. DEPARTMENTS, BOARDS, BUREAUS, A G E N C I E S AND COMMISSIONS:

(1) THE GOVERNOR'S OFFICE:

For salary of the Governor	25,000.00	
For salary of the Executive Secretary	14,000.00	
For salary of the Legal Advisor	13,000.00	
For salary of the Press Secretary	12,000.00	
For other salaries	53,306.00	
For other expenses	55,500.00	
Total		172,806.00

(2) For the Governor's Emergency Fund, to be expended at the direction of the Governor	45,000.00
For the Governor's Controlled Contingency Fund	45,000.00

(3) For the Mansion Fund	25,000.00
For the fiscal year ending September 30, 1966:	
For paying claims against the State for work and service rendered and supplies and materials furnished in the construction and equipment of the Governor's Mansion at Gulf State Park	9,049.72
(4) STATE BOARD OF ADJUSTMENT:	
For expenditures by the Board payable from General Fund for the General Fund contribution to the total expenditure of \$200,000 pursuant to Title 55, Section 343	15,000.00
(5) DEPARTMENT OF ARCHIVES AND HISTORY:	
For the salary of the Director	10,500.00
For other salaries	74,649.00
For other expenses	16,000.00
For equipment purchases	5,000.00
For expenses of printing of the Alabama Historical Quarterly	4,000.00
Total	110,149.00
(6) OFFICE OF THE ATTORNEY GENERAL:	
For transfer to the Office of the Attorney General for the payment of the State's General Fund share of the cost of operation of the Department.	337,403.00
(7) OFFICE OF THE STATE AUDITOR:	
The salary of the State Auditor	10,000.00
For other salaries	36,277.00
For other expenses	1,500.00
For equipment purchases	500.00
Total	48,277.00

(8) BANG'S DISEASE
CONTROL:

For salaries	104,750.00	
For other expenses	49,000.00	
For equipment purchases	5,000.00	
For the payment for services rendered and indemnities to cattle owners for reactor cattle slaughtered	230,000.00	
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Total		388,750.00
(This appropriation to be expended by the State Veterinarian at the direction of the Commissioner of Agriculture.)		

(9) STATE BANKING
DEPARTMENT:

For the fiscal year ending September 30, 1966:		
For salary of the Director	12,000.00	
For other salaries	151,950.00	
For other expenses	39,796.00	
For equipment purchases	500.00	
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Total		204,246.00
For the fiscal year ending September 30, 1967:		
For salary of the Director	12,000.00	
For other salaries	157,450.00	
For other expenses	39,796.00	
For equipment purchases	500.00	
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Total		209,746.00

(10) BUILDING
COMMISSION:

For salaries	73,992.00	
For other expenses	12,237.00	
For equipment purchases	740.00	
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Total		86,969.00

(11) CAHABA HISTORICAL
COMMISSION:

To provide for the expenditures authorized by Act No. 486, 1943 Acts, page 449 and an additional amount
—Total

1,900.00

(12) DEPARTMENT OF
CIVIL DEFENSE:

For the fiscal year ending September 30, 1966:

For the salary of the
Director 10,500.00
For other salaries 61,425.00
For other expenses 30,550.00
For equipment purchases 4,000.00

Total

106,475.00

For the fiscal year ending September 30, 1967:

For salary of the Director 10,500.00
For other salaries 63,525.00
For other expenses 30,550.00
For equipment purchases 1,500.00

Total

106,075.00

(13) BOARD OF EXAMINERS OF BASIC SCIENCE:

For salaries 2,400.00
For other expenses 2,600.00

Total

5,000.00

(14) DEPARTMENT
OF FINANCE:

(a) Director's Office:

For the salary of the Director 14,000.00
For other salaries .. 21,907.00
For other expenses 17,410.00
For equipment purchases 500.00

1393

For a records retention program survey 15,000.00

Total 68,817.00

(b) Division of the Budget:

For salary of the Budget Officer 12,000.00
 For other salaries .. 46,355.00
 For other expenses 8,787.00
 For equipment purchases 1,000.00

Total 68,142.00

(c) Division of Control and Accounts:

For the fiscal year ending September 30, 1966:

For salaries 158,011.00
 For other expenses 105,000.00
 For equipment purchases 42,300.00

Total 305,311.00

For the fiscal year ending September 30, 1967:

For salaries 158,342.00
 For other expenses 106,000.00
 For equipment purchases 1,000.00

Total 265,342.00

(d) Legal Division:

For salaries 19,115.00
 For other expenses 5,500.00
 For equipment purchases 500.00

Total 25,115.00

(e) Division of Purchases and Stores:	
For the fiscal year ending September 30, 1966:	
For salaries	112,450.00
For other expenses	17,750.00
For equipment purchases	750.00
Total	130,950.00
For the fiscal year ending September 30, 1967:	
For salaries	116,682.00
For other expenses	17,750.00
For equipment purchases	750.00
Total	135,182.00
(f) Division of Service:	
For salaries	432,290.00
For other expenses	180,000.00
For equipment purchases	10,000.00
Total	622,290.00
(g) For equipment purchases in the State Offices for the Executive, Administrative and Judicial Department	
	10,000.00
(h) For the fiscal year ending September 30, 1966:	
For repair and renovation of the First White House of the Confederacy ...	
	12,000.00
(15) GORGAS MEMORIAL BOARD:	
To provide for the appropriation authorized by Act No. 417, 1943 Acts, page 383, and an additional amount -	
Total	9,500.00

(16) HALL OF FAME BOARD:

For payment of expenses of the Board.	1,000.00
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(17) DEPARTMENT
OF HEALTH:(a) For General Health
Work:

For salaries	634,000.00
For other expenses	226,000.00
Branch Laboratories in Birmingham and Mobile	51,000.00

Total	911,000.00
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(b) For study, care and treatment of cancer	140,000.00
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(c) For County Health Work:	
For transfer to the County Health Work Account	375,000.00

(d) For Dental Program:	
For salaries	27,800.00
For other expenses	12,200.00
For County Clinics	45,000.00

Total	85,000.00
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(e) For Hospital Care of the Indigent:	
For transfer to the Hospital Care of the Indigent Account	250,000.00

(f) Hospital Licensing:	
For transfer to the Hospital Licensing Account	15,500.00

(g) For Hospital Plan- ning:	
For salaries	29,340.00
For other expenses	7,160.00

Total	36,500.00
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(h) For Mental Hygiene:	
For salaries	51,120.00
For other expenses	13,880.00
County Clinics and and training	35,900.00

Total	100,900.00
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(i) For Polio Program and Tuberculosis Drugs:		
For the purchase of Polio Vaccine and Tuberculosis Drugs		75,000.00
(j) For Pollution Con- trol:		
For salaries	42,000.00	
For other expenses	11,500.00	
Total		53,500.00
(k) For Radiation Con- trol:		
For salaries	25,260.00	
For other expenses	24,740.00	
Total		50,000.00
(l) For Tuberculosis Testing:		
For salaries	59,850.00	
For other expenses	49,650.00	
For equipment pur- chases	2,500.00	
Total		112,000.00
(m) For Tuberculosis and Chronic Lung Disorders Treatment:		
For the care and treatment of patients with tuberculosis and Chronic Lung Disorders in the several Tuberculosis Hospitals in the State. Provided, however, that not more than 5% of this appropriation may be used for the treatment of diseases other than tuberculosis		2,814,294.00
(n) For Venereal Disease Control:		
For salaries	30,000.00	
For other expenses	16,500.00	
Total		46,500.00

(17-A) DEPARTMENT OF
HEALTH:

(a) For General Health Work:		
For other salaries	188,500.00	
For other expenses	54,000.00	
For equipment purchases	10,000.00	
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Total		252,500.00
(b) For study, care and treatment of cancer		
		20,000.00
(c) For County Health Work:		
For transfer to the County Health Work Account		175,000.00
(d) For Dental Program:		
For the fiscal year ending September 30, 1966:		
For salaries	886.00	
For other expenses	480.00	
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Total		1,366.00
For the fiscal year ending September 30, 1967:		
For salaries	1,390.00	
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Total		1,390.00
(e) For Hospital Care of the Indigent:		
For transfer to the Hospital Care of the Indigent Account		25,000.00
(f) For Hospital Planning:		
For the fiscal year ending September 30, 1966:		
For salaries	585.00	
For other expenses	840.00	
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Total		1,425.00

For the fiscal year ending September 30, 1967:		
For salaries	1,467.00	
Total		1,467.00
(g) For Mental Hy- giene:		
For the fiscal year ending September 30, 1966:		
For salaries	1,149.00	
For other expenses	1,340.00	
Total		2,489.00
For the fiscal year ending September 30, 1967:		
For salaries	2,556.00	
Total		2,556.00
(h) For Pollution Con- trol:		
For the fiscal year ending September 30, 1966:		
For salaries	1,155.00	
For other expenses	900.00	
Total		2,055.00
For the fiscal year ending September 30, 1967:		
For salaries	2,100.00	
Total		2,100.00
(i) For Radiation Con- trol:		
For the fiscal year ending September 30, 1966:		
For salaries	255.00	
For other expenses	960.00	
Total		1,215.00

For the fiscal year ending September 30, 1967:	
For salaries	1,263.00
Total	1,263.00
(j) For Shellfish Sanitation:	
For the fiscal year ending September 30, 1966:	
For salaries	42,600.00
For other expenses	24,900.00
For equipment purchases	17,500.00
Total	85,000.00
For the fiscal year ending September 30, 1967:	
For salaries	64,800.00
For other expenses	29,200.00
For equipment purchases	6,000.00
Total	100,000.00
(k) For Tuberculosis Testing:	
For the fiscal year ending September 30, 1966:	
For salaries	347.00
For other expenses	2,520.00
Total	2,867.00
For the fiscal year ending September 30, 1967:	
For salaries	2,993.00
Total	2,993.00
(l) For Tuberculosis and Chronic Lung Disorders Treatment:	
For the care and treatment of patients with tuberculosis and Chronic Lung Disorders in the	

several Tuberculosis Hospitals
in the State. Provided, how-
ever, that not more than 5% of
this appropriation may be used
for the treatment of diseases
other than tuberculosis

126,291.00

(m) For Venereal Dis-
ease Control:

For the fiscal year
ending September
30, 1966:

For salaries	744.00
For other expenses	4,220.00

Total

4,964.00

For the fiscal year
ending September
30, 1967:

For salaries	1,626.00
For other expenses	3,380.00

Total

5,006.00

The appropriations set out herein-
above in Section 17-A are con-
ditional upon the condition of
the treasury and with the ap-
proval of the Governor.

(18) RICHMOND PEARSON HOBSON
MEMORIAL BOARD:

To provide the appropriation au-
thorized by Act No. 536, 1943 Acts,
page 510 and an additional amount

— Total

4,750.00

(19) PLANNING AND IN-
DUSTRIAL DEVELOP-
MENT BOARD:

For the fiscal year end-
ing September 30, 1966:

For the salary of the

Director	12,000.00
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For other salaries	241,500.00
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For other expenses	147,000.00
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For equipment purchases	13,000.00
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For National Advertising Promotion	100,000.00	
Total		513,500.00
For the fiscal year ending September 30, 1967:		
For the salary of the Director	12,000.00	
For other salaries	241,500.00	
For other expenses	150,000.00	
For equipment purchases	10,000.00	
For National Advertising Promotion	25,000.00	
Total		438,500.00

In addition to the appropriations hereinabove made to the Planning and Industrial Development Board, There is hereby appropriated the sum of one hundred thousand dollars (\$100,000.00) for other expenses for each of the fiscal years ending September 30, 1966, and September 30, 1967, said appropriation to be payable conditional upon the condition of the General Fund and the approval of the Governor.

(20) DEPARTMENT OF INDUSTRIAL RELATIONS:

For the fiscal year ending September 30, 1966:		
For salaries	188,900.00	
For other expenses	42,825.00	
For equipment purchases	600.00	
Total		232,325.00
For the fiscal year ending September 30, 1967:		
For salaries	189,700.00	
For other expenses	42,825.00	
For equipment purchases	600.00	
Total		233,125.00

(21) DEPARTMENT OF INSURANCE:

For salary of the Director	12,000.00
For other salaries	209,500.00
For other expenses	82,530.00
For equipment purchases	500.00

Total	304,530.00
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(22) STATE LABOR DEPARTMENT:

For salary of the Director	10,500.00
For other salaries	57,292.00
For other expenses	21,000.00
For equipment purchases	3,000.00

Total	91,792.00
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(23) LAGRANGE HISTORICAL COMMISSION:

To provide the appropriation and for the expenditures authorized by Act No. 551, 1943 Acts, Page 540	1,800.00
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(24) PUBLIC LIBRARY SERVICE DIVISION:

For salaries	38,350.00
For other expenses	21,410.00
For Books and Periodicals	175,300.00

Total	235,060.00
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(25) MILITARY DEPARTMENT:

(a) For operation of the Department:

For salary of the Adjutant General	13,000.00
For other salaries	273,000.00
For other expenses	88,000.00
For equipment purchases	7,000.00

Total	381,000.00
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(b) For Quarterly Allowances	260,000.00
Provided that not more than \$5,000.00 may be allotted in any fiscal year for the Headquarters, Alabama National Guard, and not more than \$1,500.00 may be allotted in any fiscal year for the Division Headquarters.	
(c) For Active Military Service — Active National Guard	72,000.00
(d) For Active Military Service — Militia	4,750.00
(e) For transfer to the Armory Commission — For care and maintenance of armories	500,000.00
(f) For the fiscal year ending September 30, 1966:	
For transfer to the Armory Commission, conditional upon the condition of the General Fund and the approval of the Governor, for the construction of an office building for the Military Department at Montgomery	
	100,000.00
(26) UNIVERSITY OF ALABAMA-MUSEUM FUND:	
For operation and maintenance	38,000.00
(27) DEPARTMENT OF PENSIONS AND SECURITY:	
For transfer to the Department of Pensions and Security for the support, maintenance and operations of the functions of Pensions and Security ...	
	10,560,000.00
For transfer to the Department of Pensions and Security for the support, maintenance, and operations of the functions of Pensions and Security conditional upon the condition of the state treasury and approval of the Governor	
	1,500,000.00

(28) PERSONNEL DEPARTMENT:

For transfer to the Personnel Department for the payment of the State's General Fund share of the cost of operating the Department,

For the fiscal year ending September 30, 1966	38,493.00
For the fiscal year ending September 30, 1967	39,792.00

(29) POULTRY DISEASE CONTROL:

For salaries	77,700.00
For other expenses	20,000.00
For equipment purchases	5,000.00

Total	102,700.00
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This appropriation to be expended by the State Veterinarian at the direction of the Commissioner of Agriculture.

(30) DEPARTMENT OF PUBLIC SAFETY:

For the fiscal year ending September 30, 1966:

For the salary of the Director	13,000.00
For other salaries	4,509,500.00
For other expenses	1,100,000.00
For equipment purchases	300,000.00

Total	5,922,500.00
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For the fiscal year ending September 30, 1967:

For the salary of the Director	13,000.00
For other salaries	4,509,500.00
For other expenses	1,100,000.00
For equipment purchases	50,000.00

Total	5,672,500.00
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(31) BUREAU OF PUBLICITY AND INFORMATION:

For the fiscal year ending September 30, 1966:

For the salary of the Director	10,500.00
For other salaries	31,072.00
For other expenses	26,716.00
For equipment purchases	4,300.00
For Mobile's Junior Miss Pageant	14,250.00
For Guntersville Boat Races	9,500.00
For the Blue and Gray Football Game	10,000.00

Total	106,338.00
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For the fiscal year ending September 30, 1967:

For the salary of the Director	10,500.00
For other salaries	32,621.00
For other expenses	26,716.00
For equipment purchases	500.00
For Mobile's Junior Miss Pageant	14,250.00
For Guntersville Boat Races	9,500.00
For the Blue and Gray Football Game	10,000.00

Total	104,087.00
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(32) DEPARTMENT OF REVENUE:

(a) For transfer to the Department of Revenue for the General Fund share of the cost of operating the Department,

For the fiscal year ending September 30, 1966	539,960.00
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For the fiscal year ending September 30, 1967	563,623.00
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(b) Boards of Equalization:

For salaries of the members and employees of the county boards of equalization	126,000.00
For other expenses	3,200.00

Total	129,200.00
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(33) OFFICE OF SECRETARY OF STATE:

For the fiscal year ending September 30, 1966:

For salary of the Secretary of State	10,000.00
For other salaries	37,348.00
For other expenses	8,000.00
For equipment purchases	1,500.00

Total	56,848.00
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For the fiscal year ending September 30, 1967:

For salary of the Secretary of State	10,000.00
For other salaries	38,402.00
For other expenses	8,000.00
For equipment purchases	1,500.00

Total	57,902.00
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In addition to the appropriations hereinabove made to the office of the Secretary of State, the following sums for the purposes enumerated are hereby appropriated, to be paid only upon the enactment into law of HB 1 or SB 2 of the 1965 Regular Session.

For the fiscal year ending September 30, 1966:

For other salaries	3,872.00
For other expenses	7,600.00
For equipment purchases	11,000.00

Total	22,472.00
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For the fiscal year ending September 30, 1967:

For other salaries	7,092.00
For other expenses	8,600.00

Total	15,692.00
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(34) SECURITIES COMMISSION:

For salaries	31,421.00
For other expenses	3,000.00
For equipment purchases	500.00

Total	34,921.00
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(35) SOCIAL SECURITY ADMINISTRATION:

For the fiscal year ending September 30, 1966:

For salaries	43,684.00
For other expenses	12,000.00
For equipment purchases	1,000.00

Total	56,684.00
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For the fiscal year ending September 30, 1967:

For other salaries	44,125.00
For other expenses	12,000.00
For equipment purchases	500.00

Total	56,625.00
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(36) FOR PREVENTION AND CONTROL OF DISEASES OF SWINE:

For salaries	52,250.00
For other expenses	24,000.00
For equipment purchases	6,000.00
For purchase of vaccines and serum	30,000.00

Total	112,250.00
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This appropriation to be expended by the State Veterinarian at the direction of the Commissioner of Agriculture.

(37) FOR DISEASE OF
SWINE - DIAGNOSTIC
LABORATORY:

For salaries	39,100.00
For other expenses	12,000.00
For equipment purchases	5,000.00

Total	56,100.00
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This appropriation to be expended by
the State Veterinarian at the direc-
tion of the Commissioner of Agricul-
ture.

(38) STATE TOXICOLOGIST:

For the fiscal year end-
ing September 30, 1966:

For the salary of the State Toxicologist	13,000.00
For other salaries	145,404.00
For other expenses	30,000.00
For equipment purchases	14,000.00

Total	202,404.00
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For the fiscal year end-
ing September 30, 1967:

For the salary of the State Toxicologist	13,000.00
For other salaries	150,465.00
For other expenses	30,000.00
For equipment purchases	14,000.00

Total	207,465.00
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(39) OFFICE OF THE
STATE TREASURER:

For the fiscal year end-
ing September 30, 1966:

For the salary of the State Treasurer	10,000.00
For other salaries	130,166.00
For other expenses	43,350.00
For equipment purchases	14,300.00

Total	197,816.00
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For the fiscal year ending September 30, 1967:

For the salary of the State Treasurer	10,000.00
For other salaries	132,785.00
For other expenses	46,670.00
For equipment purchases	1,400.00

Total	190,855.00
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(40) DEPARTMENT OF VETERANS' AFFAIRS:

For the fiscal year ending September 30, 1966:

For the salary of the Service Commissioner	12,000.00
For other salaries	447,926.00
For other expenses	38,000.00
For equipment purchases	3,000.00
For Contract with Veterans of Foreign Wars Organization	22,150.00
For Contract with Disabled American Veterans Organization	5,550.00

Total	528,626.00
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For the fiscal year ending September 30, 1967:

For the salary of the Service Commissioner	12,000.00
For other salaries	475,961.00
For other expenses	38,000.00
For equipment purchases	3,000.00
For Contract with Veterans of Foreign Wars Organization	22,150.00
For Contract with Disabled American Veterans Organization	5,550.00

Total	556,661.00
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B. DEVELOPMENT AND CONSERVATION OF NATURAL RESOURCES:

(1) DEPARTMENT OF AGRICULTURE AND INDUSTRIES:

For transfer to the Agricultural Fund
for salaries, other expenses and
equipment purchases for the Department of Agriculture and Industries ... 340,150.00

(2) STATE SOIL CONSERVATION COMMITTEE:

For salaries	22,618.00	
For other expenses	43,615.00	
For equipment purchases	3,000.00	
For Watershed Planning Party	40,000.00	
		<hr/>
Total		109,233.00

(3) DEPARTMENT OF CONSERVATION:

- (a) For transfer to Department of Conservation-State Forestry Fund—For salaries, other expenses and equipment purchases for the Division of State Forestry 680,000.00
- (b) For transfer to Department of Conservation - State Lands Funds—For salaries, other expenses and equipment purchases for the State Lands Division 25,757.00
- (c) For transfer to the Department of Conservation - State Parks Fund—For salaries, other expenses and equipment purchases for the State Parks Division 137,750.00
- (d) For transfer to the Department of Conservation-State Parks Fund—For salaries and other expenses necessary for the operation of Blue Springs State Park 14,782.00
- (e) For the fiscal year ending Sep-30, 1966:
For salaries and other expenses incident to the qualifying under and entering into the Federal

Land and Water Conservation Fund program of the U. S. Department of the Interior. This appropriation to be expended at the direction of the Director of Conservation. Provided, however, that any balance remaining in this appropriation at the end of the fiscal year ending September 30, 1966, shall not revert, but shall be carried over into the fiscal year ending September 30, 1967, and may be expended for the above stated purposes 100,000.00

(4) FIRE ANT CONTROL:

For the purchase of insecticides and other chemicals 23,750.00

This appropriation to be expended by the Department of Agriculture and Industries upon approval of amounts to be expended by the State Board of Agriculture and Industries.

(5) FORT MORGAN HISTORICAL COMMISSION:

For salaries	25,200.00	
For other expenses	9,200.00	
For equipment purchases	1,500.00	
	<hr/>	
Total		35,900.00

(6) GEOLOGICAL SURVEY:

For the salary of the State Geologist	12,000.00	
For other salaries	154,516.00	
For other expenses	67,900.00	
For equipment purchases	37,500.00	
For matching Federal funds for investigation of the surface water and ground water resources of the State ..	125,000.00	
Contractual Services for Test Drilling	12,500.00	
	<hr/>	
Total		409,416.00

(7) OIL AND GAS BOARD:

For salaries	131,250.00	
For other expenses	55,600.00	
For equipment purchases	9,000.00	
For salaries, other ex- penses and equipment purchases to be allot- ted upon opening of New Oil and Gas Fields	25,000.00	
<hr/>		
Total		220,850.00

C. HOSPITAL AND CORRECTIONAL
FUNCTIONS:

(1) BOARD OF CORRECTIONS:

For transfer to Board of Corrections ...	1,637,000.00
For transfer to Board of Corrections, conditional upon the condition of the treasury and the approval of the Governor	1,000,000.00

(2) ALABAMA STATE HOSPITALS:

For the support, maintenance and re- pair of the Alabama State Hospitals, the sum of \$2.70 per day, per patient, Estimated	7,489,800.00
For training Psychiatric Nurses	45,600.00

(3) PARTLOW STATE SCHOOL FOR
MENTAL DEFICIENTS:

For the support, maintenance, and repair of the Partlow State School the sum of \$2.75 per day, per patient, Estimated	2,148,390.00
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(4) ARREST OF ABSCONDING FELONS:

For expenses incident to the arrest of absconding felons, estimated	1,000.00
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(5) FEEDING OF PRISONERS:

For expenses of feeding prisoners in county jails, estimated	660,000.00
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(6) BOARD OF PARDONS AND
PAROLES:For the fiscal year end-
ing September 30, 1966:

For salaries of Board

Members 31,500.00

For other salaries 454,150.00

For other expenses 80,000.00

For equipment purchases 20,000.00

Total 585,650.00

For the fiscal year end-
ing September 30, 1967:

For salaries of Board

Members 31,500.00

For other salaries 464,400.00

For other expenses 80,000.00

For equipment purchases 20,000.00

Total 595,900.00

(7) REMOVAL OF PRISONERS:

For expenses incident to removal of
prisoners, estimated 65,000.00

D. DEBT SERVICE:

- (1) For the payment of principal and in-
-
- terest due on bonds issued by Ala-
-
- bama State Hospitals and Partlow
-
- State School Bond Commission pur-
-
- suant to Constitutional Amendment
-
- No. CXVIII,

For the fiscal year ending September
30, 1966 265,537.50For the fiscal year ending September
30, 1967 265,518.75

- (2) For the payment of principal and in-
-
- terest on bonds issued for hospital
-
- construction pursuant to Consti-
-
- tutional Amendment No. CXXI
-
- and Constitutional Amendment No.
-
- CLVIII,

For the fiscal year ending September
30, 1966 456,791.25For the fiscal year ending September
30, 1967 460,782.50

(3) For interest on Spanish American War Veterans Fund, estimated	294.86
(4) For the payment of principal and interest due on bonds issued by State Docks—Inland Waterways, pursuant to Constitutional Amendment No. CXVI, For the fiscal year ending September 30, 1966	675,877.50
For the fiscal year ending September 30, 1967	683,747.50

E. MISCELLANEOUS:

(1) For advertising lands for tax sale, estimated	7,500.00
(2) Alabama Agricultural and Industrial Exhibit Commission	25,000.00
(3) For payment of Attorneys fees in indigent capital cases (as provided in Act No. 176, 1947 Acts, page 61), estimated	32,500.00
(4) Automatic Appeal Expense as provided in 1943 Acts of Legislature, page 217, estimated	3,000.00
(5) For Civil Court Cost in connection with Ad Valorem tax assessment appeals, estimated	100.00
(6) For Court Costs to be paid by the State of Alabama, pursuant to Act No. 558, Acts 1957, page 777, estimated	230,000.00
(7) For Court Costs to be paid by the State of Alabama not otherwise provided for, estimated	40,000.00
(8) For distribution of public documents, estimated	2,000.00
(9) Election expenses, estimated, For the fiscal year ending September 30, 1966	400,000.00
For the fiscal year ending September 30, 1967	325,000.00

This appropriation made pursuant to provisions of Act No. 160, 1955 Acts, page 407, for costs and expenses of elections.

(10)	Departmental Emergency Fund	150,000.00
	This is the appropriation contemplated in Section 105, Title 55 of the Code of Alabama 1940 and shall be the only amount appropriated and the total amount expended under the provisions of said section.	
(11)	State Employees Insurance:	
	To pay the State's share of the State Employees Insurance Program, Estimated	150,000.00
(12)	Employees' Retirement Fund (State's Part):	
	For the fiscal year ending September 30, 1966, estimated	557,000.00
	For the fiscal year ending September 30, 1967, estimated	616,000.00
(13)	For expenses of Governor's Proclamations,	
	For the fiscal year ending September 30, 1966, estimated	75,000.00
	For the fiscal year ending September 30, 1967, estimated	25,000.00
(14)	For transfer to Telephone Revolving Fund,	
	For the fiscal year ending September 30, 1966	15,000.00
(15)	For Mailing Tax Notices, estimated	6,000.00
(16)	Purchase Code Pocket Supplement,	
	For the fiscal year ending September 30, 1966, estimated	40,000.00
(17)	For printing of State and County Privilege Licenses, estimated	6,500.00
(18)	For Registration of Voters,	
	For the fiscal year ending September 30, 1966, estimated	200,000.00
	For the fiscal year ending September 30, 1967, estimated	125,000.00

(19)	For State's share of Social Security, For the fiscal year ending September 30, 1966, estimated	275,000.00
	For the fiscal year ending September 30, 1967, estimated	325,000.00
(20)	For Spanish War Veterans and Widows Encampment	1,000.00
(21)	Tennessee-Tombigbee Waterway De- velopment Authority	40,000.00
	(To carry out the provisions of Act No. 355, 1957 Regular Session, ap- proved August 23, 1957)	
(22)	Commission on Uniform State Laws	3,000.00
	Total amount appropriated by Act No. 926, Acts 1951, page 1575, for ex- penses, operation and contributions of Commission.	
(23)	First White House of the Confederacy: For salaries and other expenses	5,000.00
(24)	Commission to Preserve the Peace:	
	For other salaries	15,475.00
	For other expenses	21,725.00
	For equipment purchases	800.00
	Total	38,000.00
(25)	Advisory Committee for Economic Opportunity:	
	For salaries, other expenses, and equipment purchases	20,000.00
(26)	State Sovereignty Commission:	
	To carry out the provisions of Act No. 514 of the 1963 Regular Session	100,000.00
(27)	University of Alabama— University Hospital and Hillman Clinic:	
	For the fiscal year ending September 30, 1967:	
	For outpatient and inpatient care of patients with mental illness who are residents of the State	332,000.00

(28) Farmers Market Authority:

For salaries, other expenses and equipment purchases for operation of Farmers Market Authority	25,000.00
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The appropriation hereinabove made shall be payable to the Farmers Market Authority contingent upon the enactment into law of SB 99 of the 1965 Regular Session. Provided, however, in the event said Senate Bill is not enacted into law, the above appropriation shall be paid to the Agriculture Center Board for salaries, other expenses, and equipment purchases for operations of farmers markets.

(29) Livestock Coliseum:

For the fiscal year ending September 30, 1966:

For transfer to Livestock Coliseum Fund	30,000.00
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(30) Alabama - Coosa River Improvement Association Incorporated:

For the fiscal year ending September 30, 1966:	10,000.00
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The above appropriation to be used to help pay expenses incurred in or incidental to the conducting of ground breaking ceremonies marking the commencement of work at Jones Bluff, in Autauga and Lowndes Counties, on additional locks and dams on the Alabama River.

(31) Mountain Lakes Association	5,000.00
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(32) Tennessee Valley Livestock Show

For the fiscal year ending September 30, 1966	5,000.00
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F. FROM FUNDS OTHER THAN GENERAL FUND:

(1) AERONAUTICS DEPARTMENT:

For the fiscal year ending September 30, 1966:

For salary of the Director	10,500.00	
For other salaries	40,544.00	
For other expenses	30,000.00	
For equipment purchases	4,000.00	
	<hr/>	
Total		85,044.00
For State Aid for Airports — For Airports and Airmarkings		500,000.00
For the fiscal year ending September 30, 1967:		
For salary of the Director	10,500.00	
For other salaries	41,767.00	
For other expenses	30,000.00	
For equipment purchases	4,000.00	
	<hr/>	
Total		86,267.00
For State Aid for Airports — For Airports and Airmarkings		500,000.00
The above appropriation to Aeronautics Department shall be paid from the State Airports Development Fund as provided by Act No. 402, Acts 1945, page 620, and the total expenditures shall in no manner exceed the amounts hereby appropriated.		

(2) AGRICULTURE AND INDUSTRIES:

(a) For the fiscal year ending September 30, 1966:		
For the salary of the Commissioner	10,000.00	
For other salaries	839,500.00	
For other expenses	340,000.00	
For equipment purchases	60,000.00	
For Awarding Prizes and Premiums	35,000.00	
	<hr/>	
Total		1,284,500.00

For the fiscal year
ending September
30, 1967:

For salary of the Commissioner	10,000.00	
For other salaries ...	850,000.00	
For other expenses	340,000.00	
For equipment pur- chases	60,000.00	
For Awarding Prizes and Premiums	35,000.00	
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Total		1,295,000.00

The above appropriations are payable from funds in the Agricultural fund and the total expenditures shall in no manner exceed the amounts hereby appropriated, but said appropriations shall also include the appropriation made in III B (1).

(b) Transfer to Funds
from the Agricultural
Fund:

For the fiscal year end-
ing September 30, 1966:

- | | |
|--|-----------|
| (1) For transfer to Agri-
cultural Center
Board for operation
and rental (Live-
stock Coliseum,
Montgomery) | 89,770.00 |
| (2) For transfer to State
Personnel Depart-
ment | 4,417.00 |
| (3) Livestock Coliseum . | 23,750.00 |
| (4) White - Fringed
Beetle | 50,650.00 |
| (5) For transfer to
Shipping Point In-
spection Fund to be
expended by Depart-
ment of Agriculture
and Industries for | |

salaries, other expenses and equipment purchases for inspection, grading and classification of fruits and vegetables at Jefferson County Truck Growers Association, farmers' market	8,550.00	
(6) For transfer to Shipping Point Inspection Fund to be expended by Department of Agriculture and Industries for salaries, other expenses and equipment purchases for inspection, grading and classification of fruits and vegetables at Wiregrass Farmers Produce Market in Houston County ...	4,750.00	
(7) Apiary and Bee Inspection	12,000.00	
(Contingent upon enactment of HB 653, 1965 Regular Session)		
Total		193,887.00
For the fiscal year ending September 30, 1967:		
(1) For transfer to Agricultural Center Board for operation and rental (Livestock Coliseum, Montgomery)	88,420.00	
(2) For transfer to State Personnel Department	4,566.00	
(3) Livestock Coliseum .	23,750.00	

(4) White - Fringed Beetle	50,650.00	
(5) For transfer to Shipping Point Inspection Fund to be expended by Department of Agriculture and Industries for salaries, other expenses and equipment purchases for inspection, grading and classification of fruits and vegetables at Jefferson County Truck Growers Association, farmers' market	8,550.00	
(6) For transfer to Shipping Point Inspection Fund to be expended by Department of Agriculture and Industries for salaries, other expenses and equipment purchases for inspection, grading and classification of fruits and vegetables at Wiregrass Farmers Produce Market in Houston County ...	4,750.00	
(7) Apiary and Bee Inspection	12,000.00	
(Contingent upon enactment of HB 653, 1965 Reg. Session)		
Total		192,686.00
(Provided, however, that any surplus remaining in the Agricultural Fund at the end of a fiscal year in excess of \$50,000.00 shall be transferred to the State General Fund.)		

(c) Egg Inspection Division:

For the fiscal year ending September 30, 1966:

For salaries	60,375.00
For other expenses	34,000.00
For equipment purchases	4,000.00

Total	98,375.00
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For the fiscal year ending September 30, 1967:

For salaries	63,000.00
For other expenses	34,000.00
For equipment purchases	4,000.00

Total	101,000.00
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The above appropriations are payable from funds in the Egg Inspection Fund and the total expenditures shall in no manner exceed the amounts hereby appropriated.

(d) 1. Agriculture Center Board:

For the fiscal year ending September 30, 1966:

For salaries	15,120.00
For other expenses	5,500.00
For rental (Livestock Coliseum, Montgomery)	67,950.00

Total	88,570.00
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For the fiscal year ending September 30, 1967:

For salaries	15,120.00
For other expenses	5,500.00
For rental (Livestock Coliseum, Montgomery)	66,600.00

Total	87,220.00
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The above appropriation to the Agriculture Center Board shall be paid out of the Agricultural Center Board Fund and includes the appropriation made to said fund as provided in sub-section (b) hereof.

2. Livestock Coliseum:

For the fiscal year ending September 30, 1966:

For salaries	29,400.00
For other expenses	80,950.00
For equipment purchases	5,000.00

Total

115,350.00

For the fiscal year ending September 30, 1967:

For salaries	29,400.00
For other expenses	50,950.00
For equipment purchases	5,000.00

Total

85,350.00

The funds hereinabove appropriated to the Agricultural Center Board for the Livestock Coliseum shall be paid out of the Livestock Coliseum Fund, and the appropriation hereinabove includes the appropriation made to said Fund as provided in sub-section (b) hereof and III E (29).

(e) White-Fringed Beetle Control:

For salaries	9,500.00
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For other expenses	3,000.00
For purchase of necessary insecticides for eradication of White-Fringed Beetle	37,500.00

Total	50,000.00
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The funds hereinabove appropriated for the eradication of the White-Fringed Beetle shall be paid out of the White-Fringed Beetle Control Fund and includes the appropriation made to said Fund as provided in sub-section (b) hereof.

(f) Shipping Point Inspection Fund:

There is hereby appropriated, out of receipts to the Shipping Point Inspection Fund (Act No. 26, Legislature of 1956, approved March 23, 1956), For Shipping Point Inspection work performed by the Department of Agriculture and Industries for the payment of salaries, other expenses and equipment purchases all fees and charges collected by the Commissioner of Agriculture and Industries and deposited into said fund, and such appropriation to the Department of Agriculture and Industries shall include all fees and charges collected and deposited therein for Shipping Point Inspection, grading and classification services for agricultural products including service furnished for weighing and issuing weight certificates to be used for the sale of agricultural commodities. This appropriation shall also include the amount appropriated under sub-section (b) hereof which appro-

priation shall be expended by Department of Agriculture and Industries for inspection, grading and classification of fruits and vegetables at Jefferson County Truck Growers Association, farmers market, and Wire-grass Farmers Produce Market.

(g) Apiary and Bee Inspection and Control:

For payment of salaries, other expenses and equipment purchases 12,000.00

(The foregoing expenditure is contingent upon enactment of HB 653, 1965 Regular Session)

The funds hereinabove appropriated for Apiary and Bee Inspection Control shall be paid out of the Apiary and Bee Inspection Fund and includes the appropriation made to said fund as provided in sub-section (b) hereof.

(3) ALCOHOLIC BEVERAGE CONTROL BOARD:

(a) Administrative and Stores Division:

For the fiscal year ending September 30, 1966:

For salary of the Administrator	14,000.00
For other salaries	3,807,500.00
For other expenses (Transportation cost for merchandise excluded)	925,000.00
For equipment purchases	35,000.00
Awards for Conviction, Estimated ...	6,000.00
For transfer to State Personnel Department	16,364.00

For transfer to Commission on Education with Respect to Alcoholism	296,000.00	
For transfer to Education Department for Temperance Education ...	33,841.00	
For transportation cost on merchandise, estimated	162,000.00	
	<hr/>	
Total Estimated		5,295,705.00

For the fiscal year
ending September
30, 1967:

For salary of the Administrator	14,000.00	
For other salaries	3,931,400.00	
For other expenses (Transportation cost for merchandise excluded)	925,000.00	
For equipment purchases	35,000.00	
Awards for Convictions, Estimated ...	7,000.00	
For transfer to State Personnel Department	16,917.00	
For transfer to Commission on Education with Respect to Alcoholism	296,000.00	
For transfer to Education Department for Temperance Education ...	33,841.00	
For transportation cost on merchandise, estimated ..	165,000.00	
	<hr/>	
Total Estimated		5,424,158.00

In addition to the above appropriations herein made there is hereby appropriated for each additional retail store put into opera-

tion during each fiscal year, an amount equal to the sum required to install the last comparable retail store put into operation by said Board, provided, however, that the sum appropriated for the operation of retail stores as provided herein shall be reduced in like manner for each retail store closed or withdrawn from operation during the same period.

There is further appropriated to the Alcoholic Beverage Control Board, after provision has been made for the other expenditures herein authorized such sums as are or may be necessary to purchase the alcoholic beverages which are essential to maintain adequate stocks and inventory for an economic and successful sales operation.

(b) Law Enforcement Division:

For the fiscal year
ending September
30, 1966:

For salaries	786,500.00
For other expenses	220,000.00
For equipment purchases	50,000.00

Total	1,056,500.00
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For the fiscal year
ending September
30, 1967:

For salaries	823,250.00
For other expenses	220,000.00
For equipment purchases	50,000.00

Total	1,093,250.00
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The appropriations hereinabove made (a) and (b) to the Alcoholic Beverage Control Board

are made from the gross proceeds derived from the sale of alcoholic beverages by the Alcoholic Beverage Control Board.

(c) Beer Tax and Licenses Division:

For the fiscal year
ending September
30, 1966:

For salaries	234,200.00
For other expenses	110,000.00
For equipment purchases	1,000.00

Total	345,200.00
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For the fiscal year
ending September
30, 1967:

For salaries	244,700.00
For other expenses	110,000.00
For equipment purchases	1,000.00

Total	355,700.00
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In addition to the above appropriation it is further provided that, in the event any county of the State shall, during either of the fiscal periods covered by this appropriation by proper referendum authorize the legal sale of malt and brewed beverages within such county, there is further appropriated, in addition to the amounts herein set out, an amount comparable to that expended during the prior fiscal year for beer and license tax supervision within counties of similar size and population. Provided, further, that the amount appropriated herein shall be reduced in like manner in the event any county wherein malt and brewed beverages are now authorized by law to be

sold shall, during either of the fiscal periods covered by this appropriation by proper referendum, declare unlawful the sale in such county of such malt or brewed beverages.

(4) COMMISSION ON EDUCATION WITH RESPECT TO ALCOHOLISM:

For salaries	189,000.00
For other expenses	58,020.00
For equipment purchases	5,000.00

Total	252,020.00
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The above appropriation shall include the operation and maintenance of the Alcoholic Clinic in Mobile, and shall be paid out of the funds transferred from the Alcoholic Beverage Control Board.

Commission on Alcoholism — East Alabama Clinic:

For operation and maintenance	30,000.00
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The above appropriation shall be paid out of the funds transferred from the Alcoholic Beverage Control Board to the Commission on Education With Respect to Alcoholism.

(5) STATE BOARD OF REGISTRATION FOR ARCHITECTS:

For salaries	2,400.00
For other expenses	13,709.00
For equipment purchases	1,000.00

Total	17,109.00
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The above appropriation is payable out of funds in the State Treasury to the credit of the State Board of Registration for Architects pursuant to Title 46, Chapter 2, Code of Alabama 1940, as amended.

(6) ARMORY COMMISSION:

For the fiscal year ending September 30, 1966:

For salaries	262,500.00
For other expenses	492,000.00
For equipment purchases	20,000.00

Total	774,500.00
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For the fiscal year ending September 30, 1967:

For salaries	268,800.00
For other expenses	480,000.00
For equipment purchases	20,000.00

Total	768,800.00
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The funds hereinabove appropriated to the Armory Commission shall be paid out of the funds in the State Treasury to the credit of the Armory Commission and the appropriation hereinabove made includes the appropriation made for the care and maintenance of armories as provided in Item III A (25) (e) in this Act.

(7) OFFICE OF THE ATTORNEY GENERAL:

For salary of the Attorney General	12,000.00
For salary of the Deputy Attorney General	11,000.00
For other salaries	278,800.00
For other expenses	88,700.00
For equipment purchases	9,000.00

Total	399,500.00
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The above appropriation shall be paid from funds transferred to, or received by, the office of the Attorney General provided in this or any other Act.

(8) ALABAMA STATE BAR ASSOCIATION:

For salaries	36,000.00
For other expenses	50,000.00

For equipment purchases	1,000.00	
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Total		87,000.00
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The above appropriation is payable out of the funds in the State Treasury to the credit of the Alabama State Bar Association, pursuant to Title 46, Chapter 3, Code of Alabama 1940.

(9) BOARD OF CHIROPRACTIC EXAMINERS:

For salaries	400.00
For other expenses	2,814.50

Total		3,214.50
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The above appropriation is payable out of the funds in the State Treasury to the credit of the State Board of Chiropractic Examiners Fund as provided by Act No. 108, 1959 Regular Session, approved August 26, 1959.

(10) CONSERVATION DEPARTMENT:

(a) Administrative Division:

For the fiscal year ending September 30, 1966:

For salary of the Director	13,000.00
For other salaries	301,744.00
For other expenses	125,000.00
For equipment purchases	9,000.00
For transfer to Personnel Department	11,970.00
For transfer to Attorney General's Department	11,630.00

Total		472,344.00
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For the fiscal year
ending September
30, 1967:

For salary of the Director	13,000.00
For other salaries ...	307,995.00
For other expenses	125,000.00
For equipment pur- chases	9,000.00
For transfer to Per- sonnel Depart- ment	12,374.00
For transfer to At- torney General's Department	11,630.00

Total	<hr/> 478,999.00
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The above appropriation shall be
paid out of the Department of
Conservation - Administrative
Fund and includes the appropri-
ations made to this Division as
provided in this section.

(b) State Forestry Di-
vision:

For the fiscal year
ending September
30, 1966:

For salaries	1,496,880.00
For other expenses	367,000.00
For equipment pur- chases	103,100.00
For transfer to Con- servation Depart- ment - Adminis- trative Account ...	182,047.00

Total	<hr/> 2,149,027.00
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For the fiscal year
ending September
30, 1967:

For other salaries ...	1,507,756.00
For other expenses	367,000.00
For equipment pur- chases	103,100.00

For transfer to Conservation Department - Administrative Account ... 185,465.00

Total 2,163,321.00

The funds hereinabove appropriated to the Forestry Division shall be paid out of the Forestry Fund and the appropriations made to the said fund as provided in Item III, B (3) (a) of this Act. In the event of an emergency, so determined by the Director of Conservation and the Governor, the Director of Conservation with the approval of the Governor is hereby authorized to meet such emergency by transferring to and from any item of expenditure herein appropriated for use by the Division of Forestry. (Provided, however, that any surplus remaining in the Forestry Fund at the end of a fiscal year in excess of \$50,000.00 shall be transferred to the State General Fund.)

(c) Game and Fish Division:

For the fiscal year ending September 30, 1966:

For salaries 1,107,165.00
 For other expenses 595,000.00
 For equipment purchases 175,000.00
 For transfer to Conservation Department - Administrative Account ... 214,114.00

Total 2,091,279.00

For the fiscal year
ending September
30, 1967:

For salaries	1,158,240.00
For other expenses	534,785.00
For equipment pur- chases	175,000.00
For transfer to Con- servation Depart- ment - Adminis- trative Account	218,134.00

Total	2,086,159.00
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The funds hereinabove appro-
priated to the Game and Fish
Division shall be paid out of the
Game and Fish Fund.

(d) State Lands Di-
vision:

For the fiscal year
ending September
30, 1966:

For salaries	40,000.00
For other expenses	16,000.00
For equipment pur- chases	7,500.00
For transfer to Con- servation Depart- ment - Adminis- trative Account	5,161.00

Total	68,661.00
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For the fiscal year
ending September
30, 1967:

For other salaries	40,000.00
For other expenses	16,000.00
For equipment pur- chases	7,500.00
For transfer to Con- servation Depart- ment - Adminis- trative Account	5,258.00

Total	68,758.00
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The funds hereinabove appropriated to the State Lands Division shall be paid out of the State Lands Division Fund and the appropriation hereinabove made includes the appropriation made to the said fund as provided in Item III B (3) (b) in this Act.

(e) State Parks Division:

For the fiscal year
ending September
30, 1966:

For salaries	228,114.00
For other expenses	190,000.00
For equipment purchases	20,000.00
For transfer to Conservation Department - Administrative Account ..	30,886.00

Total	469,000.00
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For salaries incident to the operation of Blue Spring State Park	8,782.00
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For other expenses incident to the operation of Blue Springs State Park	6,000.00
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Total	14,782.00
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For the fiscal year
ending September
30, 1967:

For salaries	228,114.00
For other expenses	190,000.00
For equipment purchases	20,000.00

For transfer to Conservation Depart-

ment - Adminis- trative Account ...	31,465.00	
Total		469,579.00
For salaries incident to the operation of Blue Spring State Park	8,782.00	
For other expenses incident to the op- eration of Blue Springs State Park	6,000.00	
Total		14,782.00

The funds hereinabove appropri-
ated to the State Parks Division
shall be paid out of the State
Parks Fund and the appropri-
ation hereinabove made includes
the appropriation made to the
said fund as provided in Item
III B (3) (c) (d) in this Act.

(f) Seafoods Division:

For the fiscal year ending September 30, 1966:		
For salaries	136,440.00	
For other expenses	87,050.00	
For equipment pur- chases	38,005.00	
For transfer to Con- servation Depart- ment - Adminis- trative Account ...	30,854.00	
For Gulf State Mar- ine Fisheries Com- mission	3,500.00	
For contract with University of Ala- bama and/or oth- er institutions or agencies for re- search on seafoods	50,000.00	
Total		345,849.00

For the fiscal year
ending September
30, 1967:

For other salaries ...	140,882.00	
For other expenses	87,050.00	
For equipment purchases	14,220.00	
For transfer to Conservation Department - Administrative Account ...	31,434.00	
For Gulf State Marine Fisheries Commission	3,500.00	
For contract with University of Alabama and/or other institutions or agencies for research on seafoods	50,000.00	
Total		327,086.00

In addition to the monies hereinabove appropriated, all monies derived from contracts, grants, or other agreements concerning or relating to marine biological research performed or accomplished at the Seafood Division Laboratory at Dauphine Island is hereby appropriated to the Division of Seafoods and may be expended by the Director of Conservation on such Seafood Division programs or projects which

he deems appropriate.

The funds hereinabove appropriated to the Seafood Division shall be paid out of the Seafood Fund.

(g) Water Safety Division:

For the fiscal year ending September 30, 1966:

For salaries	167,951.00
For other expenses	120,500.00
For equipment purchases	50,000.00
For transfer to Conservation Department - Administrative Account ...	26,938.00

Total	365,439.00
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For the fiscal year ending September 30, 1967:

For salaries	180,944.00
For other expenses	124,100.00
For equipment purchases	46,600.00
For transfer to Conservation Department - Administrative Account ...	27,443.00

Total	379,087.00
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The funds hereinabove appropriated to the Water Safety Division shall be paid out of the State Water Safety Fund.

(11) STATE LICENSING
BOARD FOR GENERAL CONTRACTORS:For the fiscal year ending
September 30, 1966:

For salaries	38,999.00
For other expenses	19,475.00
For equipment purchases	500.00

Total	58,974.00
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For the fiscal year ending
September 30, 1967:

For salaries	39,176.00
For other expenses	19,475.00
For equipment purchases	500.00

Total	59,151.00
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In addition to the amounts appropriated hereinabove to the State Licensing Board for General Contractors, there is hereby appropriated such an amount as may be necessary to pay the refund of any application for license which may have been rejected by the Board or application withdrawn by request of applicant.

The above appropriation is payable out of the funds in the State Treasury to the credit of the State Licensing Board for General Contractors pursuant to Title 46, Chapter 4, Code of Alabama 1940.

(12) BOARD OF CORRECTIONS:

For the fiscal year ending September
30, 1966:

For the salary of the Commissioner.....	12,000.00
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For transfer to the State Personnel Department	9,474.00
For transfer to the Attorney General's Department	10,600.00
For the fiscal year ending September 30, 1967:	
For the salary of the Commissioner	12,000.00
For transfer to the State Personnel Department	9,794.00
For transfer to the Attorney General's Department	10,600.00

So much as may be necessary of all fees, receipts, income and appropriations to the Board of Corrections is hereby appropriated to the said Board of Corrections for the payment of all salaries, expenses and equipment purchases and for additions and betterments as may be necessary for the proper maintenance and operation of the convict system.

(13) ALABAMA BOARD OF
COSMETOLOGY:

For the fiscal year ending September 30, 1966:	
For salaries	41,125.00
For other expenses	32,000.00
For equipment purchases	3,100.00
	<hr/>
Total	76,225.00

For the fiscal year ending September 30, 1967:	
For salaries	43,043.00
For other expenses	32,000.00
For equipment purchases	1,900.00
	<hr/>
Total	76,943.00

The above appropriation shall be payable from the funds in the State Treasury to the credit of the Alabama Board of Cosmetology pur-

suant to provisions of
Act No. 653, 1957
Regular Session.

(14) ALABAMA STATE DOCKS BOARD:

For transfer to the State Personnel Department,	
For the fiscal year ending September 30, 1966.....	2,518.00
For the fiscal year ending September 30, 1967	2,603.00

The above appropriation shall be paid
from income, receipts and revenues
derived from the operations of the
Alabama State Docks Board.

(15) STATE BOARD OF
REGISTRATION FOR
PROFESSIONAL EN-
GINEERS AND LAND
SURVEYORS:

For the fiscal year end- ing September 30, 1966:		
For salaries	27,006.00	
For other expenses	25,000.00	
For equipment purchases	1,000.00	
	<hr/>	
Total		53,006.00

For the fiscal year end- ing September 30, 1967:	
For salaries	27,783.00
For other expenses	25,000.00
For equipment purchases	1,000.00
	<hr/>
Total	53,783.00

The above appropriation
is payable out of funds
in the State Treasury
to the credit of the
Professional Engin-
eers Fund as provided
in Title 46, Chapter 7,
Code of Alabama 1940,
as amended.

(16) STATE BOARD OF
REGISTRATION F O R
FORESTERS:

For other expenses	2,455.00
For equipment purchases ..	300.00

Total	2,755.00
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The above appropriation is payable out of the funds in the State Treasury to the credit of the Professional Foresters' Fund.

(17) HEALTH DEPARTMENT:

(a) Hospital Licensing:

For salaries	17,010.00
For other expenses	8,800.00

Total	25,810.00
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The above appropriations are payable from funds in the Hospital Licensing Fund and the total expenditures shall in no manner exceed the amounts hereby appropriated and the appropriation hereinabove made shall include the appropriations made to to the said fund as provided in Item III A (17)) (f) in this Act.

(b) Bureau of Vital Statistics:

For salaries	94,500.00
For other expenses	14,000.00
For equipment purchases	2,000.00

Total	110,500.00
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The above appropriation is payable from the funds in the Vital Statistics Fund and the total expenditures shall in no manner exceed the amounts hereby appropriated.

(c) County Health Work:

For salaries, other expenses and equipment purchases	550,000.00
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The above appropriation is payable from the funds transferred to this account in Item III A (17) (c) and Item III A (17-A) (c) of this Act. In addition to the above appropriation, any funds received for this work from the several counties or the Federal Government are hereby appropriated.

(d) Indigent Care:

For salaries	6,300.00	
For other expenses	3,700.00	
For distribution to counties, estimated	265,000.00	
	<hr/>	
Total estimated		275,000.00

The above appropriation is payable from the funds transferred to this account in Item III A (17) (e) and Item III A (17-A) (e) of this Act. In addition to the above appropriation, any funds received for this work from the several counties or the Federal Government are hereby appropriated.

(18) HIGHWAYS AND BRIDGES:

For the fiscal year ending September 30, 1966:

For interest and sinking funds on outstanding highway bonds, so much of the gasoline taxes and motor vehicle licenses collected as may be necessary to pay the same; and for the compensation of the State Highway Director, \$15,000.00; for transfer to the State Personnel Department the sum of \$82,286.00; for transfer to the Attorney General's Department \$57,070.00; for maintenance and construction of roads and bridges, for salaries, and for other expenses of the Highway Department, the residue of gasoline taxes, motor vehicle licenses, and all other revenues coming in or accruing to the Highway Department; and all funds accruing to the Highway Department by virtue of Federal Aid.

For the fiscal year ending September 30, 1967:

For interest and sinking funds on outstanding highway bonds, so much of the gasoline taxes and motor vehicle licenses collected as may be necessary to pay the same; and for the compensation of the State Highway Director, \$15,000.00; for transfer to the State Personnel Department the sum of \$85,060.00; for transfer to the Attorney General's Department \$57,070.00; for maintenance and construction of roads and bridges, for salaries, and for other expenses of the Highway Department, the residue of gasoline taxes, motor vehicle licenses, and all other revenues coming in or accruing to the Highway Department; and all funds accruing to the Highway Department by virtue of Federal Aid.

(19) DEPARTMENT OF INDUSTRIAL RELATIONS:

For the fiscal year ending September 30, 1966:

For the salary of the Director, estimated	13,000.00
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For transfer to the State Personnel Department	13,626.00
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For the fiscal year ending September 30, 1967:

For salary of the Director, estimated ...	13,000.00
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For transfer to the State Personnel Department	14,086.00
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For other salaries and expenses incident to the operation and management of the Department; for U. S. Employment Service, U. S. Unemployment Compensation, and for such other funds, services and operations for which the United States Government may provide monies; there is hereby appropriated, in addition to the amounts appropriated herein in Item III A (20), all such sums as the United States Government may make available therefor.

(20) STATE INSURANCE FUND:

For the fiscal year ending September 30, 1966:

For salaries	64,563.00
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For other expenses	29,789.00
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For equipment purchases	4,000.00
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Total	98,352.00
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For the fiscal year ending September 30, 1967:

For salaries	64,941.00
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For other expenses	29,789.00
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For equipment purchases	4,000.00
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Total	98,730.00
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The above appropriations
are payable out of the
funds in the State
Treasury to the credit
of the State Insurance
Fund, pursuant to
Title 28, Section 325,
Code of Alabama 1940.

(21) LAW ENFORCEMENT FUND 8,000.00

The above appropriation shall be paid
from the proceeds deposited to the
credit of the Law Enforcement Fund
pursuant to Title 29, Section 251,
Code of Alabama 1940, as amended,
and the expenditures authorized
from such fund are limited to the
amount appropriated herein.

(22) DEPARTMENT OF
BANKING - LOAN EX-
AMINATION FUND:

For salaries, estimated ...	55,000.00
For other expenses, esti- mated	20,000.00

Total estimated	75,000.00
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The above appropriation
shall be paid out of
the Loan Examination
Fund as provided in
Act No. 374, 1959
Regular Session, ap-
proved November 6,
1959.

(23) MENTAL HEALTH:

(a) To the Alabama State Hospitals:
For the support, maintenance and
repair of the Alabama State
Hospitals, \$0.50 per day per
patient, estimated 1,387,000.00

(b) To Partlow State School for Men-
tal Deficients:

For support, maintenance and
repair of Partlow State School

for Mental Deficients, \$0.50 per day per patient,	
For the fiscal year ending September 30, 1966, estimated	392,375.00
For the fiscal year ending September 30, 1967, estimated	401,500.00
(c) To the Board of Trustees of the University of Alabama:	
For the Medical College of Alabama, for salaries of professional and related personnel in its Department of Psychiatry and for stipends and scholarships to be paid to trainees in the the field of psychiatry,	
For the fiscal year ending September 30, 1966	275,605.00
For the fiscal year ending September 30, 1967	301,700.00
(d) To the Board of Trustees of the University of Alabama:	
For the University Hospital and Hillman Clinics, for outpatient and inpatient care of patients with mental illness who are residents of the State,	
For the fiscal year ending September 30, 1966	500,000.00
For the fiscal year ending September 30, 1967	668,000.00
(e) To the State Department of Public Health:	
For the establishment and operation of mental hygiene clinics in the State and for training of and employment of personnel for services in the field of mental health; and for research in the field of mental health	65,000.00
(f) For the payment of principal and interest due on bonds issued by the University of Alabama	

pursuant to Constitutional
Amendment No. CXLI,

For the fiscal year ending Sep-
tember 30, 1966,

estimated 194,781.25

For the fiscal year ending Sep-
tember 30, 1967,

estimated 191,481.25

(g) To the State Health Department,
Division of Mental Hygiene, for
establishment and operation of
regional and community mental
health clinics and for training
of professional mental health
personnel 150,000.00

(h) To University of Alabama, Psy-
chological Clinic, for the train-
ing of psychologist 20,000.00

(i) To Auburn University, Psycho-
logy Department, for the train-
ing of psychologists 5,000.00

(j) To the Superintendent, Alabama
State Hospitals, to provide
drugs to medically indigent
mental patients not hospitalized
at the time of receiving drugs ... 100,000.00

The appropriations herein made
shall be paid from the funds
deposited in the State Treasury
to the credit of the Alabama
Special Mental Health Fund.

(24) ALABAMA MILK CON-
TROL BOARD:

For the fiscal year end-
ing September 30, 1966:

For salaries 84,865.00

For other expenses 44,934.00

For equipment purchases 4,000.00

Total 133,799.00

For the fiscal year end-
ing September 30, 1967:

For salaries 84,865.00

For other expenses	47,434.00	
For equipment purchases	1,500.00	
	<hr/>	
Total		133,799.00

The above appropriation shall be paid out of the Milk Control Board Fund as is provided in Title 22, Chapter 7, Code of Alabama 1940.

(25) BOARD OF NURSES' EXAMINERS AND REGISTRATION:

For the fiscal year ending September 30, 1966:

For salaries	35,210.00	
For other expenses	19,895.00	
For equipment purchases	8,500.00	
	<hr/>	

Total		63,605.00
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For the fiscal year ending September 30, 1967:

For other salaries	36,145.00	
For other expenses	22,245.00	
For equipment purchases	3,000.00	
	<hr/>	

Total		61,390.00
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The above appropriation is payable out of the funds in the State Treasury to the credit of the State Board of Nurses' Examiners and Registration as provided in Title 46, Chapter 10, Code of Alabama 1940, as amended.

(26) PENSIONS:

- (a) For Confederate veterans and their widows: Such an amount as may be necessary to pay all the pensions allowed to Confederate soldiers and sailors

and their widows. The above appropriation shall be paid out of the proceeds from the levy of the one mill tax as provided by Title 51, Section 19, Code of Alabama 1940.

(27) DEPARTMENT OF PENSIONS AND SECURITY:

For the fiscal year ending September 30, 1966:

For the salary of the Commissioner	13,000.00
For transfer to the State Personnel Department	23,188.00

For the fiscal year ending September 30, 1967:

For the salary of the Commissioner	13,000.00
For transfer to State Personnel Department	23,971.00

For other salaries and expenses incident to the operation and management of the Department for all welfare purposes as provided by law, there is hereby appropriated, in addition to the amounts set out in Item III A (27), all Federal, State, County and Municipal funds made available therefor, provided that for the fiscal year ending September 30, 1966, not more than the sum of \$4,300,000.00, and for the fiscal year ending September 30, 1967, not more than the sum of \$4,900,000.00 of the State funds herein appropriated for welfare purposes may be used for administrative purposes of the Department, including employer's contribution to the Federal old age, survivors and disability insurance program; provided, further, that not more than twenty-seven and one-half per centum of the State funds appropriated herein for welfare purposes may be allotted in any one quarter of a fiscal year.

(28) PERSONNEL DEPARTMENT:

For the fiscal year ending September 30, 1966:

For salary of the Director	12,000.00
For other salaries	146,942.00
For other expenses	46,400.00
For equipment purchases	1,500.00

Total	206,842.00
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For the fiscal year ending September 30, 1967:

For salary of the Director	12,000.00
For other salaries	152,694.00
For other expenses	46,400.00
For equipment purchases	3,200.00

Total	214,294.00
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The above appropriations shall be paid from funds transferred to, or received by, the State Personnel Department provided in this or any other Act.

(29) PUBLIC SCHOOL FUND:

For the Public School Fund all funds derived from the levy of the special annual tax of thirty cents on each one hundred dollars (\$100.00) of taxable property in this State for the support and maintenance of the public schools and from other funds mentioned and enumerated in Sections 257, 258 and 260 of the Constitution of 1901; and the amount appropriated from all other funds as is now provided by law, provided, however, not more than four per cent of all funds appropriated in this Section shall be used or expended otherwise than for the payment of teachers employed in such schools.

(30) PUBLIC SERVICE
COMMISSION:

For salary of the President and two Associate Commissioners	33,500.00	
For other salaries	216,500.00	
For other expenses	100,000.00	
For equipment purchases	12,500.00	
	<hr/>	
Total		362,500.00

The above appropriation to the Alabama Public Service Commission shall be payable only out of inspection and supervision fees paid by utilities and transportation companies, and such parts or percentage of fees and taxes paid by motor carrier or motor transportation companies as are now or may be set aside by law to be used by the Commission; and all receipts from fees and taxes paid to the Alabama Public Service Commission in excess of \$50,000.00 at the end of each fiscal year shall revert to the General Fund in the State Treasury.

(31) ALABAMA REAL ESTATE
COMMISSION:

For the fiscal year ending September 30, 1966:		
For salaries	27,481.00	
For other expenses	25,200.00	
For equipment purchases	500.00	
	<hr/>	
Total		53,181.00

For the fiscal year ending September 30, 1967:

For salaries	28,224.00
For other expenses	25,200.00
For equipment purchases	500.00

Total

53,924.00

The above appropriation shall be paid out of the receipts to the Alabama Real Estate Fund as provided in Title 46, Chapter 14, of the Code of Alabama 1940, as amended, and the total expenditures shall in no manner exceed the amounts hereby appropriated.

(32) DEPARTMENT OF REVENUE:

For the Administrative Account of the Department of Revenue there is hereby transferred from the General Fund and appropriated as provided in Item III A (32) (a) of this Act.

For the fiscal year ending September 30, 1966	539,960.00
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For the fiscal year ending September 30, 1967	563,623.00
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There is hereby appropriated for transfer to Revenue Department, Administrative Account from the gross proceeds of Financial Institution Excise Tax collections as part of the cost of operating said Department,

For the fiscal year ending September 30, 1966 60,094.00
 For the fiscal year ending September 30, 1967 62,728.00

There is hereby appropriated for transfer to Revenue Department, Administrative Account, from the gross proceeds of the Forest Severance Tax Collections as part of the cost of operating said Department,

For the fiscal year ending September 30, 1966 60,094.00
 For the fiscal year ending September 30, 1967 62,728.00

There is hereby appropriated for transfer to Revenue Department, Administrative Account, from the gross proceeds of Gasoline Tax collections as part of the cost of operating said Department,

For the fiscal year ending September 30, 1966 399,069.00
 For the fiscal year ending September 30, 1967 416,558.00

There is hereby appropriated for transfer to Revenue Department, Administrative Account, from Income Tax collections, for the cost of collecting said tax,

For the fiscal year ending September 30, 1966 900,340.00
 For the fiscal year ending September 30, 1967 939,798.00

There is hereby appropriated for transfer to

Revenue Department,
Administrative Ac-
count, from the gross
proceeds of Iron Ore
Tonnage Tax collec-
tions as part of the
cost of operating said
Department,

For the fiscal year end-
ing September 30, 1966 6,497.00

For the fiscal year end-
ing September 30, 1967 6,783.00

There is hereby appro-
priated for transfer to
Revenue Department,
Administrative Ac-
count, from the gross
proceeds of Mileage
Tax collections as part
of the cost of oper-
ating said Department,

For the fiscal year end-
ing September 30, 1966 100,143.00

For the fiscal year end-
ing September 30, 1967 104,532.00

There is hereby appro-
priated for transfer to
Revenue Department,
Administrative Ac-
count, from the gross
proceeds of Motor
Fuel Tax collections
as part of the cost
of operating said De-
partment,

For the fiscal year end-
ing September 30, 1966 230,698.00

For the fiscal year end-
ing September 30, 1967 240,807.00

There is hereby appro-
priated for transfer to
Revenue Department,
Administrative Ac-
count, from the gross
proceeds of Motor
Vehicle License col-

lections as part of cost
of operating said De-
partment,

For the fiscal year end-
ing September 30, 1966 232,800.00
For the fiscal year end-
ing September 30, 1967 243,003.00

There is hereby appro-
priated for transfer to
Revenue Department,
Administrative Ac-
count, from the Pen-
sion Fund as part of
the cost of collections
of the 1-Mill Ad Val-
orem Tax,

For the fiscal year end-
ing September 30, 1966 70,805.00
For the fiscal year end-
ing September 30, 1967 73,909.00

There is hereby appro-
priated for transfer to
Revenue Department,
Administrative Ac-
count, from the Public
School Fund as part of
the cost of collection of
the 3-Mill Ad Valorem
Tax,

For the fiscal year end-
ing September 30, 1966 175,720.00
For the fiscal year end-
ing September 30, 1967 183,418.00

There is hereby appro-
priated for transfer to
Revenue Department,
Administrative Ac-
count, from the gross
proceeds of Sales Tax
collections as part of
the cost of operating
said Department,

For the fiscal year end-
ing September 30, 1966 ...2,267,370.00
For the fiscal year end-
ing September 30, 1967 ...2,366,736.00

There is hereby appropriated for transfer to Revenue Department, Administrative Account, from the gross proceeds of Store License Tax collections as part of the cost of operating said Department,

For the fiscal year ending September 30, 1966 34,650.00

For the fiscal year ending September 30, 1966 36,169.00

There is hereby appropriated for transfer to Revenue Department, Administrative Account, from the gross proceeds of the Tobacco Tax collections as part of the cost of operating said Department,

For the fiscal year ending September 30, 1966 379,517.00

For the fiscal year ending September 30, 1967 396,150.00

There is hereby appropriated for transfer to Revenue Department, Administrative Account, from the gross proceeds of Use Tax collections as part of the cost of operating said Department,

For the fiscal year ending September 30, 1966 181,910.00

For the fiscal year ending September 30, 1967 189,881.00

For the fiscal year ending September 30, 1966:

Total

5,639,667.00

For the fiscal year ending September 30, 1967:

Total	5,886,823.00
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There is hereby appropriated to the Revenue Department from the gross proceeds of Motor Vehicle License collections for the purchase only, of motor vehicle license tags,

For the fiscal year ending September 30, 1966	698,775.00
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For the fiscal year ending September 30, 1967	768,653.00
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(33) DEPARTMENT OF
REVENUE - ADMINISTRATIVE ACCOUNT:

For the fiscal year ending September 30, 1966:

For the salary of the Commissioner	14,000.00
For other salaries	3,833,865.00
For other expenses	1,448,250.00
For equipment purchases	84,277.00
For transfer to State Personnel Department	10,600.00

Total	5,390,992.00
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For the fiscal year ending September 30, 1967:

For the salary of the Commissioner	14,000.00
For other salaries	4,035,448.00
For other expenses	1,518,968.00
For equipment purchases	49,406.00
For transfer to State Personnel Department	10,958.00

Total	5,628,780.00
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The amounts hereinabove appropriated for the cost of maintenance and operation of

the Department of Revenue are in lieu of any other statutory provision for the payment of the cost of operating said Department or collection of the taxes as authorized by law. Provided, however, in addition to the amount hereinabove appropriated, there is hereby appropriated to the Department of Revenue all sums allowed the Department of Revenue by Local Acts of the Legislature as a charge for the collection of taxes or licenses.

(34) TEMPERANCE EDUCATION:

For salaries	21,756.00
For other expenses	12,085.00

Total	33,841.00
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The appropriation hereinabove made shall be paid from the funds transferred from the Alcoholic Beverage Control Board to the Education Department.

(35) STATE BOARD OF VETERINARY MEDICAL EXAMINERS:

For salaries	100.00
For other expenses	4,350.00
For equipment purchases	50.00

Total	4,500.00
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The above appropriation is payable out of funds

in the State Treasury
to the credit of the
State Board of Veter-
inary Medical Examin-
ers, pursuant to the
provisions of Act No.
945, approved Septem-
ber 13, 1951.

(36) BUREAU OF PUBLICITY AND IN-
FORMATION:

For State Publicity and Tourist Pro-
motion,

For the fiscal year ending September 30, 1966	355,000.00
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For the fiscal year ending September 30, 1967	375,000.00
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The above appropriation shall be paid
from the receipts collected under the
provisions of Act No. 269, 1963
Regular Session.

(37) LIQUEFIED P E T R O-
LEUM GAS BOARD:

For salary of Director	10,000.00
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For other salaries	20,040.00
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For other expenses	15,675.00
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For equipment purchases	3,500.00
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Total	49,215.00
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The above appropriation
shall be paid from re-
ceipts paid into the
Liquefied Petroleum
Gas Fund.

(38) STATE BOARD OF REGISTRATION
FOR SANITARIANS:

For salaries, other expenses, and equipment purchases	5,000.00
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The above appropriation shall be paid
from the receipts collected under
the provisions of Act No. 209, Second
Special Session, 1964.

Section 3. That any surplus remaining in any appropriation herein made from the General Fund for the payment of salaries in any office, department, bureau, board, commission, or other agency after provision has been made for the payment of all salaries in that office, department, bureau, board, commission, or other agency for which the appropriation is made, may be transferred, on order of the Governor, to any other appropriation herein made from the General Fund for the payment of all salaries in any office, department, bureau, board, commission, or other agency when the appropriation herein made from the General Fund for the payment of salaries in that office, department, bureau, board, commission, or other agency is insufficient to pay all the salaries in that office, department, bureau, board, commission, or other agency according to the pay plan recommended by the Personnel Board, and approved by the Governor.

Section 4. That, except as may be herein otherwise provided, the amounts herein specifically appropriated shall be in lieu of the amounts heretofore provided or appropriated by law for such purposes. That the amounts herein appropriated are the maximum amounts to be expended for the purposes herein designated and in no event shall the maximum expenditure provided for any items of expense exceed the amount allocated herein except for those appropriations designated as 'estimated', and all appropriations herein made, except appropriations to the Alabama Alcoholic Beverage Control Board for the purchase of alcoholic beverages, are and shall be subject to the terms, conditions, provisions and limitations of Title 55, Chapter 4, Article 3, Code of Alabama 1940.

Section 5. That nothing in this Act shall be construed to affect or repeal any law authorizing or permitting any college, school or other educational or eleemosynary institution of the State to receive, collect or disburse any fees, tuition, charges, sales, endowments, trusts or income therefrom, which it now or may hereafter be authorized to receive, collect or disburse.

Section 6. In addition to the appropriations herein made, all gifts, grants, or contributions, including grants by the Congress of the United States, municipalities or counties, to any department, division, board, bureau, commission, agency, institution, office or officer of the State of Alabama are hereby appropriated and, in the event the same are recurring, are re-appropriated to such department, division, board, bureau, commission, agency, institution, office or officer to be used only for the purpose or purposes for which the grant or contribution was or shall be made.

Section 7. That, if any section, paragraph, sentence, clause, provision or portion of this Act or all or any portion of any

appropriation or appropriations herein made be held unconstitutional or invalid, it shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made not in and of itself unconstitutional or invalid.

Section 8. That all laws and parts of laws, general, special, private or local, in conflict with or inconsistent with the provisions of this Act be and the same are hereby expressly repealed.

Section 9. That this Act shall become effective on October 1, 1965.

Approved September 1, 1965.

Time: 6:40 P. M.

Act No. 771 H.J.R. 172—Little, Pierce, Goldthwaite, Goodwyn

HOUSE JOINT RESOLUTION

WHEREAS travel and tourist trade constituted over a \$30,000,000,000 nationwide business in 1964, with Alabama's portion thereof being \$300,000,000, accounting for one-third of this State's tax income; and

WHEREAS Montgomery's and Alabama's newest tourist attraction, The Tourist Cotton Patch located at the new Holiday Inn, East, Montgomery, Alabama, gives millions of travelers their first opportunity to see cotton in its various stages of growth and, in season, to pick the oldest fiber known to man; and

WHEREAS, in order to provide this educational exhibit and tourist attraction, the management of the Inn obtained a one-half acre cotton allotment from the United States government; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body commends the management of the new Holiday Inn, East, Montgomery, upon its foresight and ingenuity for providing this additional tourist attraction in connection with the ordinary course of business, thereby increasing interest in this great State which abounds with interest and beauty.

Approved September 2, 1965.

Time: 3:30 P. M.

Act No. 772

H.J.R. 173—Fite

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, that the Clerk of the House and the Secretary of the Senate each be allowed the Enrolling and Engrossing Clerks and fifteen assistants for six weeks in addition to those provided in the Code, to assist in checking the Journals and other records of the House and Senate for delivery to the Secretary of State.

Approved September 2, 1965.

Time: 3:31 P. M.

Act No. 773

H.J.R. 175—Slate

HOUSE JOINT RESOLUTION

RESOLVED BY THE HOUSE, THE SENATE CONCURRING, That the bill, S. B. 99, which has passed both houses, be designated and known as "The Metcalf, Givhan, Brannan, Allen, Nichols and Drake Bill."

Approved September 2, 1965.

Time: 3:32 P. M.

Act No. 774

H.J.R. 176—Engel

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE, THE SENATE CONCURRING, That House Bill 144, which has passed both Houses, shall be designated and known as "The Van Buren Daniel Bill."

Approved September 2, 1965.

Time: 3:35 P. M.

Act No. 775

H.J.R. 177—Steagall

HOUSE JOINT RESOLUTION

WHEREAS, Mack M. Matthews has been principal of the Pinckard Colored School for a long number of years, and

WHEREAS, the Pinckard Colored School has shown great progress under the leadership of Mack M. Matthews, and

WHEREAS, Mack M. Matthews has the respect of the citizens of the community in which he teaches and also the entire county,

NOW, THEREFORE, BE IT RESOLVED by the Legislature of Alabama, both Houses thereof concurring, that the Pinckard Colored School at Pinckard, Dale County, Alabama, be and it is hereby named and designated as the "Mack M. Matthews School".

BE IT FURTHER ESOLVED that a copy of this resolution be forwarded to Mr. Joe H. Payne, Superintendent of the Dale County School System and to Mack M. Matthews, both at Ozark, Alabama.

Approved September 2, 1965.

Time: 3:36 P. M.

Act No. 776

H.J.R. 178—Edwards (Escambia)

HOUSE JOINT RESOLUTION

WHEREAS Mrs. Sarah Pearl Watson, longtime member of the board of registrars of Escambia County, passed away on August 20, 1965; and

WHEREAS Mrs. Watson, having been active in civic and political affairs, rendered a lifetime of devoted service to her family, her friends, and her community. Her dedication to duty and the gracious manner in which she performed her services endeared her to all with whom she came in contact, as well as to all her many friends who mourn her loss, now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body deeply regrets the death of Mrs. Watson and extends its sincere sympathy to the surviving members of her family.

RESOLVED FURTHER, that copies of this resolution be sent to Mrs. Watson's daughter, Mrs. Josephine Dobbs, Fayette, Alabama; and to her two sons Mr. R. M. Watson Jr., P. O. Box 745, Brewton, Alabama, and Mr. C. M. Watson, Brewton, Alabama.

Approved September 2, 1965.

Time: 3: 38 P. M.

Act No. 777

H.J.R. 180—Turnham

HOUSE JOINT RESOLUTION

WHEREAS the Future Teachers of Alabama is an organization dedicated to preparing its members to serve as leaders of generations to come; and

WHEREAS there is no greater responsibility, no richer opportunity for service, and no higher principle to which these members might devote their lives than in molding the character and in inspiring high ideals in the young people they instruct in the daily classroom; and

WHEREAS Miss Cheryl Alexander, daughter of Mr. and Mrs. H. D. Alexander of Auburn has been elected as president of the Alabama Future Teachers organization; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body commends Miss Alexander upon her selection as president of the Alabama Future Teachers organization, and extends its best wishes for every success both to Miss Alexander and to the fine organization she serves.

Approved September 2, 1965.

Time: 3:40 P. M.

Act No. 778

H.J.R. 182—Powell

HOUSE JOINT RESOLUTION

WHEREAS the Jaycees of Eclectic, on Saturday, August 21, 1965, held a Governor's Day celebration which was a highly successful event, honored by the presence of the Governor, who graciously consented to address the group; and

WHEREAS the Jaycees fed approximately one thousand persons on this momentous occasion and provided entertainment for a total of approximately four thousand people; and

WHEREAS the preparation and execution of the plans made by the Jaycees were performed with such foresight and dexterity as to make this a most enjoyable day; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body heartily commends the Jaycees of Eclectic upon their Governor's Day celebration and looks forward to its being made an annual event.

Approved September 2, 1965.

Time: 3:40 P. M.

Act No. 779

H.J.R. 183—Grouby

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That Senate Bill 10, which has passed both houses, shall be designated and known as "The Carter, Steagall, Hain, Etheredge, Blanton and Albea Bill."

Approved September 2, 1965.

Time: 3:40 P. M.

Act No. 780

H.J.R. 184—Davis

HOUSE JOINT RESOLUTION

RESOLVED BY THE HOUSE, THE SENATE CONCURRING, That the bill, S. B. 364, which has passed both houses be designated and known as "The Carter, Nichols, Cates and Engel Bill."

Approved September 2, 1965.

Time: 3:45 P. M.

Act No. 781

H.J.R. 185—Davis

HOUSE JOINT RESOLUTION

RESOLVED BY THE HOUSE, THE SENATE CONCURRING, That the bill, S. B. 365, which has passed both houses be designated and known as "The Carter, Nichols, Cates and Engel Bill."

Approved September 2, 1965.

Time: 3:45 P. M.

Act No. 782

H.J.R. 186—Bolton, Camp

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, THE SENATE CONCURRING, That we lament the recent death of Mr. E. A. Rainwater, a popular and outstanding citizen of Childersburg, who formerly served as Mayor of Childersburg and also as a member of the City Council; and we hereby offer our sincere condolences to his widow.

BE IT FURTHER RESOLVED that a copy of this resolu-

tion be sent to Mrs. E. A. Rainwater and also a copy to the Mayor and City Council of the City of Childersburg.

Approved September 2, 1965.

Time: 3:46 P. M.

Act No. 783

H.J.R. 188—Rast, Sessions, Vacca, Bailes,
Collins (Jefferson), Hawkins,
Morrow, Meeks, Gilmore,
Etheredge, Bethea (M),
Brown (Jefferson)

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE, THE SENATE CONCURRING, That the bill, H. B. 493, which has passed both houses, be designated and known as "The Dominick Bill."

Approved September 2, 1965.

Time: 3:47 P. M.

Act No. 784

H.J.R. 189—Crawford, Grouby

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, THE SENATE CONCURRING, That we hereby congratulate Mr. John Watkins upon his recent election as Executive Director of the Alabama League of Municipalities.

BE IT FURTHER RESOLVED that we commend the League for its good judgment and discrimination in promoting Mr. Watkins to this position, for he has long been a faithful, diligent, affable and able employee of the League, and is admirably fitted for the job by training, experience and temperament. We extend our best wishes to Mr. Watkins and the League.

Approved September 2, 1965.

Time: 3:48 P. M.

Act No. 785

H. 76—Burns, Owens, Nabors

AN ACT

Relating to all cities in the State of Alabama having populations of not less than 50,000 nor more than 60,000 according to the most recent federal decennial census; to provide for the operation of all such cities under the commission form of government; to regulate the powers,

duties, qualifications, manner of nomination and election, terms of office, and compensation of the commissioners thereof, and to repeal the conflicting provisions of Act No. 112, Acts of Alabama 1951, page 337.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply in all cities in the State of Alabama having populations of not less than 50,000 nor more than 60,000 according to the most recent federal decennial census.

Section 2. Each such city shall operate under the commission form of government, and the governing body of each such city shall be a board of commissioners consisting of three members designated as follows: chairman, or mayor; associate commissioner number one; and associate commissioner number two. The chairman and the associate commissioners provided for in this Act shall be known collectively as the "Board of Commissioners of the City of _____," and shall have the powers and duties hereinafter provided.

Section 3. Each member of any such board of commissioners shall be a qualified elector residing within the corporate limits of such city and shall be elected at large within the city. The general election laws of Alabama shall govern the conduct of such elections except as otherwise provided herein. Any city coming within the purview of this Act which at present has a board of commissioners shall continue with the same board of commissioners until their successors in office are elected and qualified as hereinafter provided. On the first Tuesday in September in 1966 and every four years thereafter a chairman and two associate commissioners shall be elected as herein provided. In all primary and general elections held for the purpose of nominating or electing members of the board of commissioners of any such city, each of such positions to be filled shall be designated, the associate commissioners being designated as associate commissioner numbers one and two respectively, and the designation shall appear on the ballots of such elections. Each candidate for nomination or election as a member of the board of commissioners of any such city shall designate in the declaration or announcement of his candidacy the position for which he seeks nomination or election and his name shall appear on the ballots of such election accordingly. Any petition to nominate a candidate shall designate the position for which such candidate seeks nomination and election, and shall be signed by the number of qualified electors of the city necessary to equal twenty-five percent of the total number of qualified electors of the city voting in the next preceding election for members of such board of commissioners. Any primary election held by any political party for the purpose of nominating a candidate shall be held on the same day as any county or state primary election held in that election year, and the position for

which such candidate seeks nomination and election shall be designated as herein provided. At every election each voter shall vote for only one candidate for each designated office and the candidate receiving the highest number of votes for such office shall be elected, provided he receives a majority of all votes cast for such office. In case no one of such candidates shall receive a majority of all such votes cast for the office for which he is a candidate another election shall be held on the same day of the following week for said officer at which the two candidates receiving the highest number of votes at the initial election for said office shall be voted for. The candidate receiving the highest number of votes at such final election shall be declared elected. Candidates declared elected shall qualify and take oath of office on the first Monday in October next following said election, and each shall hold such office for a term of four years and until his successor shall have been elected and qualified as provided herein. A vacancy in any office of any such board shall be filled by the remaining members thereof for the unexpired term.

Section 4. The board of commissioners shall be municipal officers only, and shall have, possess, and exercise the municipal powers, legislative, executive, and judicial, conferred upon municipalities and governing bodies thereof. All laws governing such cities, and not inconsistent with the provisions of this Act, shall apply to and govern said cities. In such cities the management and control of the public schools therein shall be vested in a board of education as provided by law. In all elections of city or town officers the ballots shall be prepared and printed under the direction of the city or town council or commission, but no candidate's name shall be printed thereon who was not nominated by primary election, political party convention, or petition of electors, as evidenced by certificate or petition filed with the city or town council or commission not less than 40 days before the election. The county executive committee of any political party which nominated candidates shall prescribe rules and regulations governing such primaries and conventions, and shall determine how the names of its nominees may be certified as herein required.

Section 5. Each such city shall be governed and managed by the board of commissioners thereof as herein provided. Each officer and employee of each such city shall be selected and employed by the said board of commissioners, shall be under its direction, and receive such salaries, wages or compensation as may be fixed by said board of commissioners. The board of commissioners shall prescribe and may at any time change the powers, duties and titles of all such officers and employees of the city, all of whom shall hold office and be removable at the pleasure of the board of commissioners. The authority herein

given is subject to the provisions of any civil service or merit system law applicable to any such city.

Section 6. The powers and duties of the board of commissioners of each such city shall be distributed into and among three divisions as follows: division of general administration and finance; division of public works; and division of public safety. The mayor, or chairman of the board of commissioners, shall be the general executive officer of the city and shall be charged with the general supervision and direction of its affairs; and shall have direct supervision over the division of general administration and finance. The division of general administration and finance shall include those functions and departments of the city having to do with the collection of taxes, licenses and improvement assessments; the expenditures of the city, including the purchase of equipment and supplies; accounts and accounting; the budget and appropriations; the administration of the legal affairs of the city; the management of its sinking funds; supervision of all employees or departments of the city required by law or ordinance to inspect, examine or regulate the construction, maintenance and repair of buildings and plumbing, electrical, or other work performed in connection therewith; and the management of parks, public buildings, public lands, cemeteries and airports. In addition to the foregoing duties the mayor, or chairman of the board of commissioners, shall be ex officio member of the water works board of such city; shall advise with said water works board and make recommendations to it as appears to him to be in the public interest. Associate commissioner number one shall have direct supervision over the division of public works. The division of public works shall include those functions and departments of the city having to do with public improvements in such city, including the construction, improvement and maintenance of streets, sidewalks, sewers, drainage systems, sanitation, city shops and utilities. Associate commissioner number two shall have direct supervision over the division of public safety. The division of public safety shall include the fire and police departments. The chairman of each such board of commissioners shall devote his entire time to the duties of his office and shall maintain an office at the city hall and be present thereat during reasonable hours when not otherwise absent therefrom on other duties of the city. Associate commissioner number one and associate commissioner number two shall devote full time to the duties of their respective offices, shall attend each regular or special meeting of the board of commissioners and shall keep the board of commissioners advised concerning their respective duties.

Section 7. Any function or department of any such city not herein specifically assigned to one of the above divisions

shall be the responsibility of the board of commissioners as a whole. Any function, policy or action performed, promulgated or taken by any member of the board of commissioners in connection with the division herein assigned to him may be overruled, altered or amended by majority vote of the board of commissioners. The board may elect one of their number to act as recorder or municipal judge who shall try all cases arising from the violation of city ordinances or other laws over which such courts may have jurisdiction.

Section 8. For the performance by him of the duties hereinabove imposed upon each member, the board of commissioners of each such city shall by ordinance fix the salary of each member thereof, provided that the salary of the mayor or chairman of the board of commissioners shall be set at not less than eight thousand dollars (\$8,000) per annum nor more than eighteen thousand dollars (\$18,000) per annum and provided further that the salary of each associate commissioner shall be set at not less than six thousand dollars (\$6,000) per annum nor more than fifteen thousand dollars (\$15,000) per annum. Provided, however, that any such salary shall not be fixed or changed less than thirty days before any election for the members of the board of commissioners of the city. In addition to such salary, any member of the board of commissioners of any such city shall be eligible to receive any other compensation provided by any general, special, or local law applicable to such office. The salaries herein provided shall be paid out of the city treasury in equal monthly installments at the end of each calendar month. The payment of all funds out of the treasury shall be by warrants signed by the chairman of the board, but no funds may be paid out for any purpose except by resolution or ordinance duly passed making such appropriation.

Section 9. Each commissioner shall before entering upon the duties of his office, give a good and sufficient bond, which shall be executed by a bonding company authorized to do business in Alabama, payable to and for the use and benefit of any such city in the sum of ten thousand dollars (\$10,000), conditioned upon the faithful discharge of his duties, and that he will save such city harmless from all loss caused by his neglect of duty, misfeasance in office or for the willful expenditure of any moneys of such city, in violation of law, and said bond before being accepted shall be approved by the judge of probate in and for the county wherein such city is situated. The premiums on such bond shall be paid out of the city treasury. No member of the commission nor any person holding an office of profit under them, shall hold any office of profit or trust under the law of any state of the United States, or hold any county office; nor shall any commissioner ever be elected or appointed to any office

created by or the compensation of which was increased or fixed by the commission, while he was a member thereof within two years therefrom.

Section 10. No officer or employee elected or appointed by any such city shall be interested, directly or indirectly, in any contract for work or material, for the profits thereof, or service to be furnished or performed for the city. No person who is related by consanguinity or affinity nearer than the fifth degree to any commissioner shall be allowed employment by election or appointment or receive compensation for services rendered such city. Any person violating any provision of this section shall upon conviction be guilty of a misdemeanor and any elective officer violating this section shall be guilty of malfeasance in office and shall be punished as provided by the laws of the state of Alabama. Any elective officer shall be subject to all the pains and penalties and enjoy all the privileges and immunities as provided by the Constitution and general laws of the state of Alabama applicable to such officials.

Section 11. At the end of each fiscal year the books and accounts of each of such cities shall be audited by a reputable, disinterested and certified accountant and such report shall be certified to by the city clerk and attested by the members of the commission and published in pamphlet form, and printed copies furnished to newspapers of the city and to persons who apply therefor. The governor is authorized at any time to have all books and accounts of each such city examined by the state examiner of public accounts, and the cost of such examination shall be paid by such city upon the presentation to the commissioner of a duly verified statement of such expense made by such examiner of public accounts, approved by the governor.

Section 12. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 13. All laws or parts of laws which conflict with this Act are repealed, and in particular all conflicting provisions of Act No. 112, Acts of Alabama 1951, page 337, are hereby expressly repealed.

Section 14. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 2, 1965.

Time: 5:15 P. M.

Act No. 786

H. 144—Engel, Daniel, Downing, Nettles,
Rogers, Smith, Hogan, Sullivan,
Fite, Edwards (Escambia),
Brewer, McDermott, Collins
(Mobile), Edington, Jones
(Monroe), Doggett, Bassett,
McCorquodale, Drake, Glass,
Owen, Edwards (Lowndes)

AN ACT

To make a conditional appropriation from the Alabama special educational trust fund for the reconstruction of the John Essex School, in Marengo County, and for replacement of equipment destroyed by fire.

Be It Enacted by the Legislature of Alabama:

Section 1. The sum of \$100,000, or so much thereof as may be necessary, is hereby appropriated from any funds in the state treasury to the credit of the Alabama special educational trust fund not otherwise appropriated, to the use of the board of education of Marengo County for the reconstruction of the John Essex School and replacement of equipment which was destroyed by fire. The appropriation herein made is conditional upon the condition of the Alabama special educational trust fund, as determined by the governor, and shall be released only upon the order of the governor.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 2, 1965.

Time: 5:16 P. M.

Act No. 787

H. 170—Sullivan, Rast

AN ACT

To amend Sections 10 and 14 of Act No. 576, Acts of Alabama 1959, approved November 19, 1959, entitled "An Act Relating to the registration of vessels and their operation on the waters of this State and providing for water safety; providing for definitions; registration and identification of vessels used on the waters of this State by the Conservation Department of this State; the enforcement of this act; duties of the director of the State Department of Conservation; fee schedule for vessel registration; term of certificates and registration; establishment of a numbering and identifying system in compliance with Federal Boating Act of 1958 and any subsequent amendment thereto prohibiting vessel operation when unnumbered; establishing exemptions from numbering provisions; requiring safety equipment; requiring records to be kept by boat liveries; requiring accident reports to be filed with Conservation Department; certain operations of vessels prohibited; prohibition by local regulation of water safety; granting rule making

authority to Director of Conservation with limitations as set out in this act; the establishment of license fees on vessels and providing penalties for violation of the provisions of this act; providing for an appropriation of \$32,500.00 to the Department of Conservation for the administration of the provisions of this Act and for the transfer of certain monies to the Administrative Division of the Department of Conservation; to provide for the appointment of special agents to sell boat licenses; to repeal all laws in conflict with the provisions of this Act", as amended by Act No. 878, Acts of Alabama 1961, Regular Session, approved September 8, 1961.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 10 of Act No. 576, Acts of Alabama 1959, approved November 19, 1959, as amended, be and the same is hereby amended so as to read as follows:

"Section 10. Foreign Vessels and Change of Ownership.— Any vessel already covered by a number in full force and effect which has been awarded to it pursuant to the operative federal law or federally approved numbering system of another state may be operated on the waters of this State for a period of ninety (90) consecutive days without being licensed under the provisions of this Act. Any vessel operating for more than ninety (90) consecutive days must then be registered and licensed in the same manner as other vessels are required to be licensed under this Act.

"(a) Should the ownership of a vessel change, a new application form with a fee of One Dollar (\$1.00) for change in registration shall be filed with the Department of Conservation and a new certificate issued transferring the original vessel number to the new owner; provided, however, the Director of Conservation may at his discretion provide by duly promulgated regulations a system for the issuance of such changes of registration by the probate judges and license commissioners of this State and in the event such change of registration certificates are issued by such probate judges and license commissioners, they shall be entitled to a fee therefor of twenty-five cents (25c).

"(b) No citizen or resident of this State may operate his vessel on the waters of this State when such vessel is under foreign registry; provided, however, any such citizen or resident who has previously registered his vessel in another state or by federal registry before coming into this State may operate same for a period of ninety (90) consecutive days without being required to register under the provisions of this Act."

Section 2. That Section 14 of Act No. 576, Acts of Alabama 1959, approved November 19, 1959, as amended, be and the same is hereby amended so as to read as follows:

"Section 14. The owner shall furnish the Department of Conservation notice of the transfer of all or any part of his interest other than the creation of a security interest in a vessel numbered in this State pursuant to this Act or of the destruction or abandonment of such vessel, within fifteen (15) days thereof. Such transfer, destruction, or abandonment shall terminate the certificate for such vessel, except, that in the case of a transfer of a part interest which does not affect the owner's right to operate such vessel, such transfer shall not terminate the certificate.

"(1). Any holder of a certificate shall notify the Department of Conservation within fifteen (15) days, if his address no longer conforms to the address appearing on the certificate and shall, as a part of such notification, furnish the Department of Conservation with his new address. The Department of Conservation may provide in its rules and regulations for the surrender of the certificate bearing the former address and its replacement with a certificate bearing the new address or for the alteration of an outstanding certificate to show the new address of the holder.

"(2). Any person who has purchased a registration number for his vessel and subsequently loses or misplaces the registration certificate, may make application to the Department of Conservation, accompanied by a fee of fifty cents (50c), for a duplicate registration certificate. Such applications must be made upon forms furnished by the Division of Water Safety of the Department of Conservation.

"(3). The Director of Conservation is authorized to provide by duly promulgated regulation a system wherein the probate judges and license commissioners in this State may issue duplicate registration certificates and in the event such probate judges and license commissioners issue such duplicate registration certificates they shall be entitled to a fee of twenty-five cents (25c)."

Section 3. All laws or parts of laws in conflict with the provisions of this Act are hereby expressly repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 2, 1965.

Time: 5:17 P. M.

To provide for exclusion of certain municipal privilege licenses in the computation of the state lodgings tax levied and imposed by Act No. 248, Regular Session 1955, as amended.

Be It Enacted by the Legislature of Alabama:

Section 1. Municipal privilege license taxes which are levied and collected by the application of a flat percentage rate on gross sales or gross receipts from sales, and which are passed on directly by the licensee-seller to the purchaser-consumer or user, shall be excluded from gross sales or gross receipts, as the case may be, in the computation of the state lodgings tax levied and imposed by Act No. 248, Regular Session 1955 (Acts 1955, v. 1, p. 586), as amended.

Section 2. This Act shall become effective on the first day of the month following its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 2, 1965.

Time: 5:18 P. M.

Act No. 789

H. 222—Goodwyn

AN ACT

To repeal Section 676, Title 51, Code of Alabama 1940.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 676, of Title 51, of the Code of Alabama 1940, is hereby repealed.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 2, 1965.

Time: 5:18 P. M.

Act No. 790

H. 312—Goodwyn, Pierce, Little, Turner
(Crenshaw), Powell, Drake

AN ACT

To amend further Code of Alabama 1940, Title 41, Section 154, which relates to the limitation of per diem expenses allowed state employees traveling on official business.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1940, Title 41, Section 154, as amended, is amended further to read as follows:

"Section 154. The maximum amount allowable to a person traveling in the service of the state of Alabama or any of its agencies, institutions, boards, bureaus, or commissions for expenses other than actual expenses of traveling shall be fixed by the governor at not more than eleven dollars per day, such maximum or limit when fixed from time to time to be uniform in operation as to all persons while said persons are traveling within the state. Persons traveling in the service of the state or any of its agencies, institutions, boards, bureaus or commissions outside the state of Alabama shall be allowed all their actual and necessary expenses in addition to their actual expenses for transportation, provided such travel shall have first been duly authorized in writing by the governor; provided further, that persons traveling on official business for the state or any of its agencies, institutions, boards, bureaus, or commissions in privately owned vehicles shall receive ten cents per mile in lieu of their actual expense for transportation, provided, however, that the above per diem payment shall not be made for a period in excess of two consecutive months for an employee stationed at the same place in the state of Alabama and after the completion of two consecutive months' period the amount of the per diem shall be reduced to five dollars and fifty cents per day."

Section 2. This Act shall become effective on October 1, 1965, or upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 2, 1965.

Time: 5:19 P. M.

Act No. 791

H. 571—Holladay, Daniel, Cates, NeSmith,
Rast, Morrow, Brown (Jefferson),
Gilmore, Bowers, Engel

AN ACT

To amend further Section 1, Act No. 100, Second Special Session 1959, the State Sales Tax Act, so as to further define the terms "sale at wholesale" and "wholesale sale."

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 100, Second Special Session 1959 (Acts 1959, v. 1, p. 298), an act levying a license tax on the sale of tangible personal property at retail, as amended, is amended further to read as follows:

"Section 1. Definitions.—The following words, terms and phrases, when used in this Act, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

"(a) The term 'person' or the term 'company' herein used interchangeably, includes any individual, firm, co-partnership, association, corporation, receiver, trustee or any other group or combination acting as a unit and the plural as well as the singular number, unless the intention to give a more limited meaning is disclosed by the context.

"(b) The term 'department' means the department of revenue of the state of Alabama.

"(c) The term 'commissioner' means the commissioner of revenue of the state of Alabama.

"(d) The term 'tax year' or 'taxable year' means the calendar year.

"(e) The term 'sale' or 'sales' includes installment and credit sales and the exchange of properties as well as the sale thereof for money, every closed transaction constituting a sale.

"(f) The term 'gross proceeds of sales' means the value proceeding or accruing from the sale of tangible personal property (and including the proceeds from the sale of any property handled on consignment by the taxpayer), including merchandise of any kind and character without any deduction on account of the cost of the property sold, the cost of the materials used, labor or service cost, interest paid, or any other expenses whatsoever, and without any deductions on account of losses; provided that cash discounts allowed and taken on sales shall not be included, and 'gross proceeds of sales' shall not include the sale price of property returned by customers when the full sales price thereof is refunded either in cash or by credit. Said term 'gross proceeds of sale' shall also mean and include the reasonable and fair market value of any tangible personal property previously purchased at wholesale which is withdrawn or used from the business or stock and used or consumed in connection with said business, and shall also mean and include the reasonable and fair market value of any tangible personal property previously purchased at wholesale which is withdrawn from the business or stock and used or consumed by any person so withdrawing the same, except property which has been previously withdrawn from such business or stock and so used or consumed with respect to which property the tax has been paid because of such previous withdrawal, use or consumption, and except property which enters into and becomes an ingredient or component part of tangible personal property or products manufactured or compounded for sale and not for the personal and private use or consumption of any person so withdrawing, using or consuming the same.

“(g) The word ‘taxpayer’ means any person liable for taxes hereunder.

“(h) The term ‘gross receipts’ means the value proceeding or accruing from the sale of tangible personal property, including merchandise and commodities of any kind and character, all receipts actual and accrued, by reason of any business engaged in (not including, however, interest, discounts, rentals of real estate or royalties) and without any deduction on account of the cost of the property sold, the cost of the materials used, labor or service cost, interest paid, or any other expenses whatsoever and without any deductions on account of losses. Said term ‘gross receipts’ shall also mean and include the reasonable and fair market value of any tangible personal property previously purchased at wholesale which is withdrawn or used from the business or stock and used or consumed in connection with said business, and shall also mean and include the reasonable and fair market value of any tangible personal property previously purchased at wholesale which is withdrawn from the business or stock and used or consumed by any person so withdrawing the same, except property which has been previously withdrawn from such business or stock and so used or consumed and with respect to which property the tax has been paid because of such previous withdrawal, use or consumption, and except property which enters into and becomes an ingredient or component part of tangible personal property or products manufactured or compounded for sale and not for the personal and private use or consumption of any person so withdrawing, using or consuming the same.

“(i) The term ‘wholesale sale’ or ‘sale at wholesale’ means a sale of tangible personal property by wholesaler to licensed retail merchants, jobbers, dealers, or other wholesalers for resale and does not include a sale by wholesalers to users or consumers, not for resale. The term ‘wholesale sale’ shall include a sale of tangible personal property or products (including iron ore) to a manufacturer or compounder which enters into and becomes an ingredient or component part of the tangible personal property or products which he manufactures or compounds for sale, and the furnished container and label thereof. The term ‘wholesale sale’ or ‘sale at wholesale’ shall also include a sale of containers intended for one-time use only, and the labels thereof, when such containers are sold without contents to persons who sell or furnish such containers along with the contents placed therein for sale by such persons. The term ‘wholesale sale’ or ‘sale at wholesale’ shall also include a sale of pallets intended for one-time use only, when such pallets are sold without contents to persons who sell or furnish such pallets along with the contents placed

thereon for sale by such persons. Moreover, such terms include a sale to a manufacturer or compounder, of crowns, caps, and tops intended for one-time use employed and used upon the containers in which he markets his products. The term 'sale at wholesale' or 'wholesale sale' shall include the parts or materials purchased or withdrawn from stock by a dealer licensed under this article where such parts or materials are used in repairing or reconditioning the tangible personal property of such licensed dealer which tangible personal property is a part of the stock of goods of such licensed dealer, offered for sale by him, and is not for his use or consumption not for sale. It is further provided that the terms 'wholesale sale' or 'sale at wholesale' shall include the sale of containers to persons engaged in selling or otherwise supplying or furnishing baby chicks to growers thereof where such containers are used for the delivery of such chicks, and shall further include containers sold for use in the delivery of eggs by the producer thereof to the distributor or packer of such eggs even though such containers used for delivery of baby chicks or eggs may be recovered for reuse. Such terms shall also include the sale or sales of bagging and ties used in preparing cotton for market.

“(j) The term 'sale at retail' or 'retail sale' shall mean all sales of tangible personal property except those above defined as wholesale sales. The quantities of goods sold or prices at which sold, are immaterial in determining whether or not a sale is at retail. Sales of building materials to contractors, builders, or landowners for resale or use in the form of real estate are retail sales in whatever quantity sold. Sales of tangible personal property or products to manufacturers, quarry operators, mine operators, or compounders, which are used or consumed by them in manufacturing, mining, quarrying or compounding and do not become an ingredient or component part of the tangible personal property manufactured or compounded are retail sales. The term 'sale at retail' or 'retail sale' shall also mean and include the withdrawal, use or consumption of any tangible personal property by anyone who purchases same at wholesale, except property which has been previously withdrawn from the business or stock and so used or consumed and with respect to which property the tax has been paid because of such previous withdrawal, use or consumption and except property which enters into and becomes an ingredient or component part of tangible personal property or products manufactured or compounded for sale and not for the personal and private use or consumption of any person so withdrawing, using or consuming the same; and such wholesale purchaser shall report and pay the taxes thereon.

"(k) The word 'business' as used in this article, shall include all activities engaged in, or caused to be engaged in, with the object of gain, profit, benefit or advantage, either direct or indirect, and not excepting sub-activities producing marketable commodities used or consumed in the main business activity, each of which sub-activities shall be considered business engaged in, taxable in the class in which it falls.

"(l) The term 'automotive vehicle' shall include a power shovel, dragline, crawler, crawler crane, ditcher, or any similar machine which is self-propelled, in addition to self-propelled machines which are used primarily as instruments of conveyances.

"(m) The use within this state of tangible personal property by the manufacturer thereof, as building materials, in the performance of a construction contract, shall, for the purposes of this article be considered as a retail sale thereof by such manufacturer, who shall also be construed as the ultimate consumer of such materials or property, and who shall be required to report such transaction and pay the sales tax thereon, based upon the reasonable and fair market price thereof at the time and place where same are used or consumed by him or it. The provisions of this subsection shall not apply to any tangible personal property which is specifically exempted from the tax levied in this article.

"(n) The sale of lumber by a lumber manufacturer to a trucker for resale is a sale at wholesale as such sales are defined herein where the trucker is either a licensed dealer in lumber or, if a resident of Alabama has registered with the department of revenue and has received therefrom a certificate of such registration or, if a non-resident of this state purchasing lumber for resale outside of Alabama, has furnished to the lumber manufacturer his name, address and the vehicle license number of the truck in which the lumber is to be transported, which name, address and vehicle license number shall be shown on the sales invoice rendered by the lumber manufacturer. The certificate provided for herein shall be valid for the calendar year of its issuance and may be renewed from year to year on application to the department of revenue on or before the thirty-first day of January of each succeeding year; provided, however, that if not renewed the certificate shall become invalid for the purpose of this article on the first day of February."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 2, 1965.

Time: 5:20 P. M.

Act No. 792

H. 572—Holladay, Daniel, Cates, NeSmith,
Rast, Morrow, Brown (Jefferson),
Gilmore, Bowers, Engel

AN ACT

To amend further Code of Alabama 1940, Title 51, Section 787, which relates to definitions used in the state use tax law, so as to re-define the terms "wholesale sale" or "sale at wholesale."

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1940, Title 51, Section 787, as amended, is amended further to read as follows:

"Section 787. **Definitions.**—The following words, terms and phrases when used in this article shall have the meaning ascribed to them in this section, except where the context indicates a different meaning:

"(a) The term 'person' or the term 'company' herein used interchangeably, includes any individual, firm, company, partnership, association, corporation, receiver or trustee, or any other group or combination acting as a unit, and the plural as well as the singular number, unless the intention to give a more limited meaning is disclosed by the context.

"(b) The term 'department' means the department of revenue of the state of Alabama.

"(c) The term 'commissioner' means the commissioner of revenue of the state of Alabama.

"(d) The term 'wholesale sale' or 'sale at wholesale' means a sale of tangible personal property by wholesalers to licensed retail merchants, jobbers, dealers, or other wholesalers for resale and does not include a sale by wholesalers to users or consumers, not for resale. The term 'wholesale sale' shall include a sale of tangible personal property or products (including iron ore) to a manufacturer or compounder which enters into and becomes an ingredient or component part of the tangible personal property or products which he manufactures or compounds for sale, and the furnished container and label thereof. The terms 'wholesale sale' or 'sale at wholesale' shall also include a sale of containers intended for one-time use only, and the labels thereof, when such containers are sold without contents to persons who sell or furnish such containers along with the contents placed therein for sale by such persons. The terms 'wholesale sale' or 'sale at wholesale' shall also include a sale of pallets intended for one-time use only, when such pallets are sold without contents to persons who sell or furnish such pallets along with the contents placed thereon for sale by such persons. More-

over, such terms include a sale to a manufacturer or compounder, of crowns, caps, and tops intended for one-time use employed and used upon the containers in which he markets his products. The term 'sale at wholesale' or 'wholesale sale' shall include the parts or materials purchased or withdrawn from stock by a dealer licensed under this article where such parts or materials are used in repairing or reconditioning the tangible personal property of such licensed dealer which tangible personal property is a part of the stock of goods of such licensed dealer, offered for sale by him, and is not for his use or consumption not for sale. It is further provided that the terms 'wholesale sale' or 'sale at wholesale' shall include the sale of containers to persons engaged in selling or otherwise supplying or furnishing baby chicks to growers thereof where such containers are used for the delivery of such chicks, and shall further include containers sold for use in the delivery of eggs by the producer thereof to the distributor or packer of such eggs even though such containers used for delivery of baby chicks or eggs may be recovered for reuse. Such terms shall also include the sale or sales of bagging and ties used in preparing cotton for market.

"(e) The term 'sale at retail' or 'retail sale' shall mean all sales of tangible personal property except those above defined as wholesale sales. The quantities of goods sold or prices at which sold are immaterial in determining whether or not a sale is at retail. Sales of building materials to contractors, builders or landowners for resale or use in the form of real estate are retail sales in whatever quantity sold. Sales of tangible personal property or products to manufacturers, quarry operators, mine operators or compounders, which are used or consumed by them in manufacturing, mining, quarrying or compounding and do not become an ingredient or component part of the tangible personal property manufactured or compounded are retail sales.

"(f) The word 'business' as used in this article, shall include all activities engaged in, or caused to be engaged in, with the object of gain, profit, benefit or advantage, either direct or indirect, and not excepting sub-activities producing marketable commodities used or consumed in the main business activity, each of which sub-activities shall be considered business engaged in, taxable in the case in which it falls.

"(g) The term 'storage' means and includes any keeping or retention in this state for any purpose except sale in the regular course of business or subsequent use solely outside this state of tangible personal property purchased at retail.

“(h) The term ‘use’ means and includes the exercise of any right or power over tangible personal property incident to the ownership of that property, or by any transaction where possession is given, except that it shall not include the sale of that property in the regular course of business.

“(i) The term ‘purchase’ means acquired for a consideration, whether such acquisition was effected by a transfer of title, or of possession or of both, or a license to use or consume; whether such transfer shall have been absolute or conditional, and by whatsoever means the same shall have been effected; and whether such consideration be a price or rental in money, or by way of exchange or barter.

“(j) The term ‘sales price’ means the total amount for which tangible personal property is sold, including any services (including transportation) that are a part of the sale, valued in money, whether paid in money or otherwise, and includes any amount for which credit is given to the purchaser by the seller, without any deduction therefrom on account of the cost of the property sold, the cost of the materials used, labor or service cost, interest charged, losses or any other expenses whatsoever; provided, that cash discounts allowed and taken on sales shall not be included and sales price shall not include the amount charged for property returned by customers when the entire amount charged therefor is refunded either in cash or by credit.

“(k) The term ‘in this state’ or ‘in the state’ means within the exterior limits of the state of Alabama, and includes all territory within such limits owned by or ceded to the United States of America.

“(l) The term ‘automotive vehicle’ shall include a power shovel, dragline, crawler, crawler crane, ditcher, or any similar machine which is self-propelled, in addition to self-propelled machines which are used primarily as instruments of conveyance.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 2, 1965.

Time: 5:21 P. M.

Act No. 793

H. 586—Salter, Turner (Crenshaw), Pierce

AN ACT

TO PROVIDE FOR THE ESTABLISHMENT, REGULATION OF,

AND AN APPROPRIATION FOR THE FINANCING OF A SCHOLARSHIP-LOAN AND AWARDS PROGRAM FOR THE STUDY OF DENTISTRY; REPEALING SECTION 509 (13) OF TITLE 52 OF THE CODE OF ALABAMA 1940, AS RECOMPILED, AND ALL LAWS CONFLICTING THEREWITH.

Be It Enacted by the Legislature of Alabama:

SECTION 1. Board of Dental Scholarship Awards, composition, term of office. — There is hereby created and established a board to be known as the Board of Dental Scholarship Awards which shall be authorized and required to establish scholarships to provide and/or further the dental training, in pursuance of a dental degree, of qualified applicants for admission to the University of Alabama School of Dentistry or any other dental school accredited by the Council on Dental Education of the American Dental Association. The Board shall be composed of the Secretary of the Alabama Dental Association, who shall serve as chairman of the Board; one dentist elected from each component society of the Alabama Dental Association, whose terms of office shall be staggered, two dentists being elected for a term of one (1) year, two dentists being elected for a term of two (2) years, two dentists being elected for a term of three (3) years, two dentists being elected for a term of four (4) years, and at the end of each term of office, successors shall be elected for a term of four (4) years; the Director of the Bureau of Dental Hygiene of the Health Department of Alabama; the Dean of the University of Alabama School of Dentistry or his designee; and the Chairman of the University of Alabama School of Dentistry Admissions Committee.

SECTION 2. Annual Appropriation.—There is hereby appropriated for each of the fiscal years ending September 30, 1966 and September 30, 1967 to the Board of Dental Scholarship Awards out of the Alabama Special Educational Trust Fund the sum of Eighty-three Thousand Dollars (\$83,000) or such sum thereof as may be necessary to finance the scholarships provided for by this Act, and for the expenses of administering the program.

SECTION 3. Powers and Duties of Board.—The Board of Dental Scholarship Awards shall have power and authority to make reasonable rules and regulations not inconsistent with the laws of this State as may be necessary for the regulation of its proceedings and for the discharge of the duties imposed on it. Said Board shall receive and review all applications for scholarship-loans and awards; shall make a careful and thorough investigation of the ability, character and qualifications of each applicant; and shall be responsible for the further administra-

tion of the scholarship program subject to the provisions of this Act.

SECTION 4. Types of Scholarships.—The Board shall establish two (2) types of scholarships as follows:

(a) A total of thirty-two (32) loans based on the economic need and scholastic ability of the applicant, in an amount not to exceed two thousand dollars (\$2,000.00) per annum or eight thousand dollars (\$8,000.00) over a four (4) year period, shall be available to any bona fide resident of Alabama of good character who has been accepted for matriculation by the University of Alabama School of Dentistry or any other dental school accredited by the Council on Dental Education of the American Dental Association.

(b) A total of eight (8) non-refundable merit scholarship awards in an amount not to exceed two thousand dollars (\$2,000.00) per annum each, or eight thousand dollars (\$8,000.00) over a four (4) year period, shall be available to outstanding students, two (2) of which shall be awarded each year to two (2) members of the entering class at the University of Alabama School of Dentistry, who, in the judgment of the Board have the highest scholastic achievement in undergraduate studies, sufficient dental aptitude, excellence of character, and other pertinent qualifications.

SECTION 5. Repayment of Loans; Service Contracts.—Scholarships extended under Section 4 (a) of this act shall be repaid following graduation either in cash as is provided under subsection (a) of this section (below), or under the terms of a contract to serve in a needy area in Alabama for a term to be specified by the Board as provided in subsection (b) of this section (below). Any monies received from recipients in repayment of a scholarship-loan under subsections (a) and (b) of this section shall upon receipt thereof be remitted by the Board of Scholarship Awards to the Treasurer of the State of Alabama for credit to the special educational trust fund.

(a) Scholarship loans to be repaid under this subsection shall be repaid to the Board of Dental Scholarship Awards in full at an interest rate of six per cent (6%) per annum from the date of graduation from dental school. Payments are to be made annually, the first of which is due one (1) year after the recipient enters the practice of dentistry or one year after completion of specialty training, whichever occurs first. Repayment in full must be completed within eight (8) years from initiation of repayment. Any recipient who fails for any reason to continue his dental education shall repay all loan amounts in accordance with terms and conditions established by the Board of Dental Scholarship Awards,

provided that interest rate on such unpaid loan amounts shall be fixed at six per cent (6%) per annum from date of his departure or removal from dental school.

(b) Scholarship loans to be repaid under this subsection shall be repaid by service in one of the following ways, subject to approval of the board of Dental Scholarship Awards:

1. Practice for a four-year period in a community of less than 5,000 population which has been deemed by the Board of Dental Scholarship Awards to be critically in need of additional dental practitioners.

2. Practice for a five-year period in a community of more than 5,000 population and less than 15,000 population which has been deemed by the Board of Dental Scholarship Awards to be critically in need of additional dental practitioners.

3. Practice for a five-year period in a community of more than 15,000 but less than 100,000 population which has been deemed by the Board of Dental Scholarship Awards to be critically in need of additional dental practitioners, and repayment of one-half the loan plus 6% interest per annum in five annual payments, beginning at the end of the first year of practice.

4. Practice for five years in a position in Alabama in Public Health or as a dentist in a state institution approved by the Board of Dental Scholarship Awards.

5. For loans of less than four years of study (\$8,000.00) service repayment may be prorated on the basis of one-fourth of the above requirements for each \$2,000.00.

6. Recipients who elect a service-type repayment (1, 2, 3, or 4 above) shall make repayment in cash plus six per cent (6%) interest per annum on a prorated basis to be determined by the Board of Dental Scholarship Awards for any portion of this obligation which is not fulfilled.

SECTION 6. Contractual Agreement of Recipients; Penalties for Breach.—Each recipient of a scholarship-loan under the provisions of this act shall enter into a contract with the Board of Dental Scholarship Awards whereby he agrees to repay the scholarship loan in a manner prescribed by the Board not inconsistent with any provision of this Act. Breach of contract by the recipient shall make him immediately liable for the unpaid balance of the loan and shall constitute a ground for the revocation of his certificate or license to practice dentistry. In the event of death or total and permanent disability of the recipient to engage in the practice of den-

tistry, repayment of the loan may be excused by the Board. The Attorney General of Alabama, upon request of the Board of Dental Scholarship Awards, shall institute proceedings in the name of the State for the purpose of recovering any amount due the State under the provisions of this Act. The proceedings to have such dentist's certificate and/or license revoked shall be commenced upon the written complaint of the Board of Dental Scholarship Awards to the State Board of Dental Examiners. The proceedings shall be in accordance with the provisions of Sections 91 through 94 of Title 46 of the Code of Alabama, 1940, as recompiled.

SECTION. 7. Localities in Need of Dentists.—Any incorporated or unincorporated municipality or locality in the state having a population of less than 100,000 desiring additional dentists and wishing to be designated as a locality needing additional dentists, may apply to the Board of Dental Scholarship Awards to be placed on a list of localities in need of additional dentists, which shall be maintained by the Board. Such application may be made either by the municipal governing body or by a petition signed by at least one-twentieth of the qualified electors of the municipality or locality. If the Board of Dental Scholarship Awards determines that such locality is in need of dentists, it shall place the locality on the list of localities in need of dentists from which recipients of scholarships may upon graduation select an area in which to practice. In compiling and maintaining the list, the Board may place any locality thereon which in its opinion needs additional dentists.

SECTION 8. Section 509 (13) of Title 52 of the Code of Alabama, 1940, as recompiled, and all other laws or parts of laws which conflict with the provisions of this Act are hereby repealed.

SECTION 9. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 2, 1965.

Time: 5:22 P. M.

Act No. 794

H. 653—Edwards (Lowndes), Turnham,
Hogan

AN ACT

To eradicate, control and prevent the spread of diseases of honeybees by requiring the registration of apiaries with the Commissioner of Agriculture and Industries, prescribing the registration fee and regu-

lating the movement or shipment of honeybees, apiary equipment and supplies into and within the State of Alabama; to provide for apiary inspections, quarantines and the destruction and abatement of diseased bees, apiary equipment and supplies; to prescribe the powers and duties of the Commissioner of Agriculture and Industries for the administration and enforcement of this Act; to authorize the adoption of rules and regulations; to prescribe a penalty for violations; to repeal Act No. 735, Legislature of 1953, approved September 17, 1953.

Be It Enacted by the Legislature of Alabama:

Section 1. PURPOSE.—The purpose of this Act is to prevent the introduction into and dissemination within this State of contagious and infectious diseases of honeybees by providing for the registration, inspection and control of honeybees and apiaries which activity is hereby found and declared by the Legislature to promote agriculture in the State of Alabama.

Section 2. REGISTRATION AND REGISTRATION FEE.—Every beekeeper, owner or others in possession of any honeybees shall on or before the first day of October of each year register with the Commissioner of Agriculture and Industries every colony of honeybees, bee yards or apiaries in their possession or under their control and such registration shall be made upon forms furnished by the Commissioner upon which there shall be shown the number and location of colonies of bees with the apiary location or locations together with such other information as may be necessary for the administration of this Act. Colonies of bees and apiaries acquired after October 1 during any year and not previously registered shall also be registered as required hereunder, provided, however, this requirement shall not apply to any bees or apiaries acquired after March 31 as such bees shall not be registered until the following October 1. If any honeybees or an apiary previously and currently registered hereunder are sold or otherwise transferred from one beekeeper to another beekeeper such registration thereof may be transferred to the person acquiring such bees or apiary without the payment of the registration fee. A "colony of bees" is a queen bee and worker bees on comb enclosed in any container. An "apiary" is a location or site on which one or more colonies of bees is located. An annual registration or inspection fee shall be paid by the registrant which shall accompany the application for registration and the amount of such fee shall be based upon and determined by the number of colonies of bees owned by or under the control of the person registering such honeybees in the following amount:

Number of colonies	Registration Fee
1 to 25 colonies	\$ 2.00
25 to 100 colonies	\$ 5.00

100 to 300 colonies	\$ 10.00
300 to 500 colonies	\$ 15.00
500 or more colonies	\$ 25.00

All amounts collected hereunder as registration fees together with the amount of any fine imposed under the penalty Section of this Act shall be deposited into the Agricultural Fund of the State Treasury to be disbursed and expended for the administration and enforcement of this Act by the Department of Agriculture and Industries for the payment of salaries, equipment purchases, travel expenses and other purposes incident to and necessary for the administration and enforcement of this Act. Failure or refusal to comply with the registration requirements hereof and to pay the required registration fee shall be unlawful and punishable under the penalty provisions of this Act.

Section 3. SHIPMENT AND MOVEMENT OF BEES.—

(a) All honeybees shipped or moved into the State of Alabama shall be accompanied by a certificate of inspection signed by the apiary inspector or other official performing similar duties of the state or country from which shipment is made, certifying that the bees and the combs and hives from which the bees were taken have been inspected by such official and that said bees, their combs and hives are apparently free from contagious and infectious diseases. The inspection provided for herein shall be based upon an actual examination of the bees and their combs and hives, such examination or inspection to be made during brood-rearing and within a period of sixty (60) days preceding date of shipment. The inspection certificate required hereunder shall be attached to each parcel or package of each shipment or movement in a conspicuous place, plainly written. All shipments or movements of honeybees into the State of Alabama shall be in combless packages only, and shipments or movements of honeybees into this State in violation of the requirements of this section shall be unlawful. (b) It shall also be unlawful to ship or move into, within or out of the State a queen bee or other bees in packages or cages that contain food, any part of which is honey.

Section 4. SHIPMENT OR MOVEMENT OF BEEKEEPING EQUIPMENT INTO STATE.—It shall be unlawful to ship, move or otherwise transport into this State for delivery within the State any previously used honey containers, or any hives, combs, frames, appliances, supers, or other beekeeping equipment or supplies which have been previously used in the keeping or raising of bees; provided, however, clean used screen cages or clean used honey containers may be brought into the State for the purpose of transporting

bees or honey out of the State unless the State Apiarist, or his agent, determines that such cages or honey containers create a disease hazard and upon such a determination such cages or honey containers shall be confiscated and destroyed by burning. Nothing herein shall be construed to prohibit the movement or shipment of any new or unused bee supplies, equipment or honey containers into the State of Alabama.

Section 5. MOVEMENT OF BEES AND BEEKEEPING EQUIPMENT WITHIN STATE.—It shall be unlawful to move, transport, or ship any honeybees, combs, or used beekeeping equipment or appliances without a permit from the Commissioner of Agriculture and Industries bearing the approval or countersignature of the State Apiarist. The permit must have been issued within the calendar year during which the movement or shipment is to be made and before such a permit is issued the proposed movement of any honeybees or beekeeping equipment shall be in compliance with all conditions and requirements that may be set forth and prescribed therefor under rules and regulations adopted by the State Board of Agriculture and Industries for the prevention and the spread of contagious and infectious diseases of honeybees.

Section 6. MARKING OF BEE EQUIPMENT.—To adequately identify used bee equipment the owner or other person in possession of such equipment shall be required to mark all hive-bodies and supers with an easily identified symbol within one year following the passage of this Act, which symbol or identifiable mark must be approved by the State Apiarist.

Section 7. PREPARATION OF APIARY MAPS.—The State Apiarist shall prepare or cause to be prepared county maps showing the exact location of all apiaries located in each county of the State of Alabama. County maps shall be kept current based on information obtained from annual apiary inspections.

Section 8. POWERS OF COMMISSIONER.—The Commissioner of Agriculture and Industries, pursuant to rules and regulations adopted and promulgated by the State Board of Agriculture and Industries, as hereinafter provided, shall have full and plenary power to deal with American and European Foulbrood, Nosema, Isle of Wight disease and other contagious and infectious diseases of honeybees and to do and perform all such acts through the State Apiarist, other agents or employees to the end that contagious and infectious diseases of honeybees may be eradicated or controlled. The Commissioner, through the State Apiarist, shall be authorized to inspect all honeybees, combs and hives being shipped or moved from

this State, to other states or countries that require inspection and certification before being admitted to other states or countries. The Commissioner of Agriculture and Industries, or his agents or employees, including the State Apiarist, shall also have authority to enter and inspect, at all reasonable hours, any premises, station, depot, express office, store room, warehouse, vehicle, apiary, or any other location where honeybees, beekeeping equipment or supplies are kept to ascertain whether such honeybees, equipment or supplies are infected with or exposed to any infectious or contagious diseases, or whether they are being kept, moved or transported in violation of this Act, or rules and regulations promulgated thereunder. It shall be unlawful for any person to hinder, obstruct, resist, or refuse to allow such entrance and inspection. The State Apiarist or his agent may direct and require any owner or other person in possession of honeybees dwelling in hives without movable frames and combs not permitting of ready examination and inspection to transfer such bees within a specified time to hives with movable frames. Failure to comply shall be followed by destruction of the hives and contents.

Section 9. QUARANTINE POWERS.—Any apiary or colony of honeybees found infected with American Foulbrood or any other contagious or infectious disease or otherwise found to be kept or moved or transported in violation of the requirements of this Act or regulations adopted hereunder, shall be placed under quarantine by the Commissioner, the State Apiarist, their agents or employees, which quarantine shall become effective upon written notice thereof being furnished to the beekeeper or person having possession or control of such bees. Bees, beekeeping supplies or equipment quarantined under the provisions of this Section shall not be moved or allowed to be moved except by written permission of the Commissioner, or the State Apiarist.

Section 10. DISEASED BEES AND EQUIPMENT.—Any colony or colonies of bees, combs, honey frames, hives, supers or other beekeeping supplies or equipment found to be infected with American Foulbrood or any other infectious or contagious disease of bees which cannot be satisfactorily controlled, is hereby declared to be a public nuisance and shall be destroyed by burning by the beekeeper or other person in control of such diseased bees. Upon failure of the beekeeper to destroy the diseased bees and equipment, the Commissioner, his agents or employees, are hereby authorized and may destroy such bees and equipment.

Section 11. DESTRUCTION OR TREATMENT OF DISEASED BEES.—It shall be unlawful for any owner or keeper

of bees who shall have been notified by the Commissioner of Agriculture and Industries, his agents or employees that the State Apiarist has determined that the disease of Foulbrood or any other contagious or infectious disease of bees exists in the hives of his apiary to fail or refuse to destroy or treat such bees, their hives, equipment and appliances in the manner prescribed by the State Apiarist within a period of five (5) days from date of receipt of such notification, provided, however, any owner or keeper of bees notified to treat or destroy diseased bees shall have the right to have the Commissioner of Agriculture and Industries review and reconsider such order at a formal hearing to be conducted for this purpose. At such hearing, the beekeeper may present any facts relevant to the condition of his apiary and request that the Commissioner review and reconsider such order to treat and destroy. Any owner or keeper of bees desiring a hearing must file his request therefor with the Commissioner of Agriculture and Industries not later than five (5) days from the date of receipt of notice. In addition to the penalties provided in this Act for failure to treat or destroy diseased bees, their hives, equipment and appliances, the Commissioner of Agriculture and Industries is hereby authorized in the event any owner or keeper of bees fails and refuses to treat or destroy such bees, their hives and equipment to enforce such order in a court of competent jurisdiction in the manner now provided by law for the abatement of public nuisances.

Section 12. RULES AND REGULATIONS.—The Commissioner of Agriculture and Industries, with the approval of the State Board of Agriculture and Industries, is hereby authorized to adopt and promulgate such rules and regulations as may be necessary to carry out the evident intent and purpose of this Act, including rules and regulations to govern the shipment, movement or transportation of honeybees, beekeeping equipment and supplies into or within the State of Alabama, the establishment of quarantines, the annual registration of colonies of honeybees and the collection of registration fees, and other rules and regulations for the control and eradication of contagious and infectious diseases of honeybees, and all such rules and regulations duly promulgated hereunder shall have the force and effect of law.

Section 13. STATE APIARIST.—The employee of the State Department of Agriculture and Industries performing the duties of Chief, Director or Supervisor of the Division of Plant Industry shall be the State Apiarist and he shall exercise all the powers vested in the Commissioner of Agriculture and Industries in the enforcement of the provisions of this Act except the review procedure to be performed by the Commissioner under the provisions of Section 11 of this Act.

Section 14. PENALTY.—Any person who shall violate any of the provisions of this Act declared to be unlawful, or who fails to perform any duty imposed by the provisions of this Act, or who violates any quarantine order issued under the provisions of this Act, or who violates any rule or regulation duly promulgated under the provisions of this Act, or who fails and refuses to register colonies of bees or pay the registration fee required by this Act, shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$25.00 nor more than \$500.00 and, within the discretion of the court may be imprisoned for a period not to exceed six (6) months.

Section 15. REPEAL OF CONFLICTING LAWS.—All laws and parts of laws in conflict with the provisions of this Act are hereby repealed, and Act No. 735, Legislature of 1953, approved September 17, 1953, (Acts of 1953, Vol. 2, p. 994), is hereby expressly repealed, which also includes the repeal of Article 6 of Chapter I of Title 2, Code of Alabama, 1940.

Section 16. SEVERABILITY.—The provisions of this Act are severable. If any section or other part thereof is declared unconstitutional or invalid, such declaration shall not affect the part that remains.

Section 17. EFFECTIVE DATE.—This Act shall become effective on October 1, 1965.

Approved September 2, 1965.

Time: 5:22 P. M.

Act No. 795

H. 664—Downing, Engel, McDermott, Hogan, Rogers, Smith, Collins (Mobile), Owen, Edwards (Escambia), Wood, Edington, Nettles, Daniel, Pierce, Glass, Posey, Hester

AN ACT

Relating to elections; authorizing and providing for absentee voting by seamen, sailors, and mariners.

Be It Enacted by the Legislature of Alabama:

Section 1. Any qualified elector of this state whose name at the time of any primary, general, special or municipal election appears on the official list of qualified voters in any county of the state, who by reason of his employment as a seaman, sailor, or mariner, or deep-sea saltwater fisherman, and who because of such employment may be absent from the state or county at the time of holding any primary, general, special, or municipal

election in this state, may vote by absentee ballot in such election in the manner and under the regulations hereafter prescribed.

Section 2. Any prospective absentee voter meeting the requirements of Section 1 of this Act may, not more than 45 days nor less than 5 days prior to the election at which he desires to vote, make application by United States mail in writing to the register of the circuit court, or the person designated to serve instead of the register, for an absentee ballot. Such application shall have attached thereto a certificate sworn to before the captain of the ship or other vessel on which he is employed, or a notary public, or some other official duly authorized to administer oaths and certify same, setting forth the name and address of the applicant, the circumstances accounting for his absence from the state or county and a statement that he will be unable to go to his polling place to vote on the day of the election.

Section 3. Upon receipt of such application properly certified, absentee ballots shall be mailed to such applicant upon which shall be printed the affidavit as now required by law for absentee ballots, which affidavit shall be executed by the prospective voter in person before a notary public or similar officer who is duly authorized to administer oaths or certify same.

Section 4. Absentee ballots herein provided for shall be returned by United States mail to the register of the circuit court, or the person designated to serve instead of said register, and shall be by him marked the day and hour of the receipt thereof, and such ballot shall be handled and counted in the same manner as other absentee ballots.

Section 5. The provisions of this Act are cumulative and supplemental to Act No. 655, S. 53, Regular Session 1959, (Acts 1959, p. 1585) amending Act No. 424, H. 351, Regular Session 1949 (Acts 1949, p. 601), and any and all other laws authorizing or providing for absentee voting.

Section 6. All laws or parts of laws which conflict with this Act are repealed.

Section 7. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 2, 1965.

Time: 5:23 P. M.

Act No. 796 H. 55—Turner (Crenshaw), Goodwyn, Brewer,
Cook, Turnham, Vacca

AN ACT

To amend the Code of Alabama 1940, Title 22, Section 3 and Section 7 relating to a quorum for the State Board of Health and the State Committee of Public Health.

Be It Enacted by the Legislature of Alabama:

Section 1. That Title 22, Section 3, Code of Alabama 1940, as last amended by Act No. 444, General Acts of Alabama 1935, p. 926, is further amended to read as follows:

“§ 3. (1048) (699) (2424) REPRESENTATION OF THE STATE BOARD OF HEALTH FIXED.—When the State Board of Health is not in session said State Committee of Public Health shall act for said board and have and discharge all the prerogatives and duties of said board, including the adoption and promulgation of rules and regulations, and a quorum, as provided for by the constitution of the Medical Association of the State of Alabama, shall be competent to act. When neither said committee nor said board are in session the State Health Officer, as the executive officer of the Department of Health, shall act for said board and said committee, and shall report his actions to the said committee subject to its confirmation or modification.”

Section 2. That Title 22, Section 7, Code of Alabama 1940, as last amended by Act No. 640, General Acts of Alabama, 1927, p. 774, is further amended to read as follows:

“§ 7. (1051) (702) STATE BOARD OF HEALTH; AUTHORITY AND JURISDICTION.—The State Board of Health shall have authority and jurisdiction:

“(1) To exercise general control over the enforcement of the laws relating to public health.

“(2) To investigate the causes, modes or propagation, and means of prevention, of diseases.

“(3) To investigate the influence of localities and employment on the health of the people.

“(4) To inspect all schools, hospitals, asylums, jails, almshouses, theatres, opera houses, courthouses, churches, public halls, prisons, stockades where convicts are kept, markets, dairies, milk depots, slaughter pens or houses, railroad depots, railroad cars, street railroad cars, lines of railroads and street railroads, including the territory contiguous to said lines, industrial and manufacturing establishments, offices, stores, banks, club houses, hotels, rooming houses, residences, and other places

of like character, and whenever insanitary conditions in any of these places, institutions, or establishments, or conditions prejudicial to health, or likely to become so, are found, proper steps shall be taken by the proper authorities to have such conditions corrected or abated.

“(5) To examine the source of supply, tanks, reservoirs, pumping stations, and avenues of conveyance of drinking water, and whenever these waters are found polluted, or conditions are discovered likely to bring about their pollution, proper steps shall be taken by proper authorities to improve or correct conditions.

“(6) To adopt and promulgate rules and regulations providing proper methods and details for administering the health and quarantine laws of the State, which rules and regulations shall have the force and effect of law and shall be executed and enforced by the same courts, bodies, officials, agents, and employees as in the case of health laws, and a quorum, as provided for by the constitution of the Medical Association of the State of Alabama shall be competent to act.

“(7) To exercise supervision and control over county boards of health and over county health officers and county quarantine officers in the enforcement of the public health laws of the State in their respective counties and whenever any such county board of health, county health officer or county quarantine officer shall fail or refuse to discharge its or his duties said duties may be discharged by the State Board of Health until proper arrangements are made to insure their discharge by said county board of health or said county health officer, or said county quarantine officer, as the case may be.

“(8) To act as an advisory board to the State in all medical matters and matters of sanitation and public health.”

Approved September 2, 1965.

Time: 5:25 P. M.

Act No. 797 H. 56—Turner (Crenshaw), Goodwyn, Brewer,
Cook, Turnham, Vacca

AN ACT

To amend the Code of Alabama 1940, Title 46, Section 258, relating to the authority of the Board of Medical Examiners.

Be It Enacted by the Legislature of Alabama:

That Title 46, Section 258, Code of Alabama 1940, as enacted by Act No. 209, Acts of Alabama 1911, p. 234, is amended to read as follows:

"§ 258. (2836) (1626) (3260) (1301) (1530) BOARD OF MEDICAL EXAMINERS; AUTHORITY TO MAKE REGULATIONS.—The Board of Censors of the Medical Association of the State of Alabama, as constituted under the laws now in force, or which may hereafter be in force, and under the constitution of said association, as said constitution now exists or may hereafter exist, is constituted the State Board of Medical Examiners and is charged with the duties and clothed with the powers hereinafter prescribed; said board is hereby vested with authority to adopt and promulgate rules and regulations and to do such other acts as may be necessary to carry into effect the duties and powers which accrue to it under laws now in force or which may hereafter be in force; and a quorum as provided for by the constitution of the Medical Association of the State of Alabama shall be competent to act."

Approved September 2, 1965.

Time: 5:26 P. M.

Act No. 798

H. 486—Vacca, Etheredge, Bowers, Rast,
Dominick, Meeks, Brown
(Jefferson), Bethea (M),
Bailes, Collins (Jefferson),
Morrow

AN ACT

Regulating costs and charges of courts in Jefferson County; prescribing the fees and commissions of constables, and repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. In Jefferson County, constables shall be entitled to the following fees for services rendered in civil cases, regardless of the amount in controversy:

For serving summons and complaint	\$2.00
For summoning each witness75
For serving writ of garnishment	2.00
For serving writ of attachment	2.00
For serving notice to defendant	2.00
For serving scire facias, or notice in nature thereof	2.00
For service in unlawful detainer, \$2.00 plus \$1.50 for each defendant in excess of one.	
For executing writ of restitution in such cases	2.00

For executions, 10 percent of amount collected, but
in no case less than 2.00

For services not otherwise provided for herein, the
fees of constables shall be the same as the sheriff's
fees when performing the same or like services.

Section 2. Act No. 696, H. 1142, Regular Session 1957,
and Act No. 455, H. 746, Regular Session 1957, and all other laws
or parts of laws in conflict with this Act are hereby repealed.

Section 3. This Act shall not affect any case pending in
court on the effective date of its enactment.

Section 4. This Act shall become effective immediately
upon its passage and approval by the Governor, or upon its
otherwise becoming a law.

Approved September 2, 1965.

Time: 5:27 P. M.

Act No. 799

H. 591—Jones (Covington), Salter, Heflin,
Brewer, Camp, Carr, Owen, Glass,
Bassett, McDermott, Hogan,
Rogers, Turner (Crenshaw), Teel,
Grouby, Paulk, Doggett, Bolton,
Drake, Snell, Pennington, Cates,
Crawford

AN ACT

To authorize and provide for an interpreter wherein any person
either totally deaf, or who has defective hearing, or who has defective
speech or has both defective hearing and speech, who is either a plaintiff
or defendant in any cause at law or is either the complainant or
respondent in any cause in equity or is legally summoned as a material
witness in any Circuit Court or Court of Record within the State of
Alabama; the manner in which such interpreters are selected; the
required qualifications of such interpreters, and the manner and form
in which such interpreters are compensated for their services when
called.

Be It Enacted by the Legislature of Alabama:

Section 1. Wherein any person who is totally deaf, has
defective hearing, has defective speech or both defective speech
and hearing, who is either the plaintiff, or defendant in any
cause at law or who is either the complainant or respondent in a
cause in equity or is legally summoned as a material witness in
any case being tried or heard in any Circuit Court or Court of Rec-
ord within the State of Alabama, the presiding Judge may furnish
said handicapped person an interpreter who is adept and fluent

in the sign language of the deaf to translate all proceedings in said case, with said interpreter meeting the approval of said handicapped person, as described hereinabove.

Section 2. The presiding Judge before whose Court a case involving such handicapped person or persons hereinabove described, when requested to do so as herein provided, must furnish said interpreter from a roster of interpreters kept by the Clerk of the Alabama Supreme Court in office at Montgomery, Alabama, said roster being provided by and approved solely by the Alabama Association of the Deaf.

Section 3. It shall be the duty of any handicapped person hereinabove described who desires the services of an interpreter as provided herein, or his or her attorney of record, to make known in writing to the Presiding Judge before whom such cause is to be tried or heard at least thirty (30) days or immediately upon the setting of such case, that such an Interpreter is needed during the trial or hearing so that said Presiding Judge can have sufficient time to comply with the provisions of Section 1 of this Act, thus, expediting the proceedings of said Court in an orderly manner. This act shall not prevent any Court from selecting and using interpreters as now provided by law, but is cumulative in providing additional means for obtaining qualified interpreters.

Section 4. The compensation of any interpreter who is called upon for service in any legal litigation as hereinabove described shall be fixed at Fifteen Dollars (\$15.00) for each day while on active call by the Presiding Judge together with actual expenses incurred by said interpreter while on active call by the Presiding Judge, and said compensation and expenses shall be approved by the Presiding Judge on proper forms prescribed by the Chief Examiner of Public Accounts, and said compensation and expenses shall be paid from the General Funds of the Alabama State Treasury immediately upon presentation or filing with the State Comptroller by the claimant.

Section 5. This Act shall become effective immediately upon its passage and approval of the Governor, or upon its otherwise becoming a law.

Approved September 2, 1965.

Time: 5:44 P. M.

Act No. 800

H. 696—Cates

AN ACT

To amend Act No. 209, Acts of Alabama, Special Session 1964, p. 279

regarding qualifications and registration of sanitarians, and regarding use of funds.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 3 of Act No. 209, Acts of Alabama, Special Session 1964, p. 279, be amended to read as follows:

"Section 3. **QUALIFICATION FOR REGISTRATION AS A SANITARIAN:** Any person desiring to be registered as a sanitarian may make application to the board on a form prescribed by the board. All applications shall be accompanied by the fee prescribed therefor by Section 9 of this Act.

"(a) Every person applying for registration as a sanitarian, who has successfully passed an examination given and conducted by the board under the provisions of this act, shall be eligible for registration if he (1) is a graduate with a baccalaureate or higher degree from an accredited college or university; (2) has satisfactorily completed at least 45 quarter hours or 30 semester hours of academic work in the basic sciences; and (3) has been employed full time in the field of environmental sanitation for a period of not less than one year.

"(b) Every person applying for registration as a sanitarian shall be eligible for registration without examination under this act if he (1) has passed an official merit system examination, qualifying him as a sanitarian, sanitation officer, or health inspector under the State Merit System or under the County Merit System for Public Health and this fact is certified by the State Personnel Director or other officer of the State Personnel Department authorized to make such certificates or by the officer of the County Merit System for Public Health authorized to make such certificates relative to that system, or, if employed in private industry, is otherwise qualified; (2) was employed as a sanitarian or a sanitation officer in the State of Alabama as of January 30, 1966; and (3) applies for registration by September 2, 1966."

Section 2. That Section 8 of Act No. 209, Acts of Alabama, Special Session 1964, p. 279, be amended to read as follows:

"Section 8. **BOARD ORGANIZATION, DUTIES, OFFICERS, COMPENSATION, SEAL AND MEETINGS:**

"(a) By virtue of this office the health officer of the State of Alabama shall be the chairman of the board, and the director of the bureau of county health services shall be vice-chairman. A secretary, who need not be a member of the board, shall be selected by the board and shall serve at the pleasure of the board.

"(b) The board shall make such rules as are necessary to carry out the provisions of this act.

"(c) The board shall hold at least two meetings each year in the month of May and November and at either or both such meetings they may review and evaluate applications for registration, conduct examinations, review and approve bills, prepare and approve reports, and transact all other business as may be necessary to carry out the provisions of this act.

"(d) The board shall issue certificates of registration to applicants who have been qualified, to which the official seal of the board shall be affixed.

"(e) Four members of the board shall constitute a quorum and special meetings of the board shall be called by the secretary upon written request of any two members of the board, or upon written request signed by ten registered sanitarians.

"(f) All board meetings shall be open to any registered sanitarian with the exception of executive sessions.

"(g) The secretary of the board shall receive compensation at the discretion of the board, also travel and other expenses necessarily incurred in the discharge of official duties. Members of the board shall receive fifteen dollars for each day actually engaged in official board meetings, plus travel expenses; provided that no funds shall be disbursed for such purposes without the approval of the board.

"(h) The secretary of the board shall receive and account for all money received from the operation of this act and shall deposit all moneys so collected into the state treasury. Such moneys shall be expended only in the manner prescribed in subsection (i) hereof.

"(i) Funds collected under the provisions of this act shall be used to pay compensation and expenses of the board and to administer the act. The funds collected under the act shall be cumulative and used exclusively for the purpose of administering the act. For the purpose of carrying out the objects of this act, and for the exercise of the powers herein granted the board shall have power to direct the disbursement of all moneys collected hereunder. However, all such moneys shall be paid out only on the warrant of the state comptroller, upon certificate or voucher of the secretary of the board, approved by the chairman or vice-chairman of the board; and no funds shall be withdrawn or expended except as budgeted and allotted according to the provisions of Title 55, Chapter 4, Article 3, Code of Alabama 1940, and only in amounts as stipulated in the general appropriation bill.

Section 3. That Section 13 of Act No. 209, Acts of Alabama, Special Session 1964, Page 279, be amended to read as follows:

"Section 13. VIOLATION—PENALTY: From and after September 5, 1966, no person shall be employed as a sanitarian or sanitation officer within the State of Alabama who does not hold a valid certificate of registration under the provisions of this act. It shall be unlawful for any person to practice as, or represent himself as, a registered sanitarian without being duly registered and the holder of a valid certificate of registration issued by the board. A person who violates the provisions of this act shall, upon conviction, be guilty of a misdemeanor, and may be fined not to exceed \$500, or imprisoned for not more than six months, or both."

Approved September 2, 1965.

Time: 5:28 P. M.

Act No. 801

H. 969—Holladay

AN ACT

To amend Act No. 173, H. 490, Regular Session 1953, an act creating an inferior court in St. Clair County, so as to provide for appointment of a clerk or clerks for the court.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 7 of Act No. 173, H. 490, Regular Session 1953, an act creating an inferior court in St. Clair County (Acts 1953, v. 1, p. 217), is hereby amended to read as follows:

"Section 7. The court of county commissioners, board of revenue, or other like governing body of St. Clair County may provide for appointment of a clerk or clerks for the Inferior Court, and may provide for payment of his or their compensation out of the county treasury. If such a clerk be appointed, he shall take the oath of office required of circuit court clerks and give bond in such penal sum as the governing body of the county may prescribe. The premiums on such bond shall be paid from the general funds of the county. **Provided**, if such clerk or clerks be not appointed and provided for by the county governing body as herein authorized, the clerk of the circuit court of St. Clair County shall be ex-officio clerk of the Inferior Court of St. Clair County, and all duties performed by or required of said clerk shall be by virtue of his being clerk of the circuit court. However, the clerk of the circuit court, before entering upon the duties required of him as clerk of the Inferior Court, shall execute an additional bond in the amount of \$2,000, to be approved by the judge of probate of St. Clair County, and filed in the office of the judge of probate of said county, said bond to be conditioned in the same manner as now required of the bonds of the clerks of the circuit courts. The clerk of the circuit

court shall not be entitled to receive any compensation for the performance of his duties as clerk of the Inferior Court.

“All fines, forfeitures and other money collected by the clerk for the State of Alabama shall be remitted monthly by the clerk to the appropriate department, agency, or official of the State of Alabama now designated by law for the receipt of such money. All fines, forfeitures and other money collected by the clerk for St. Clair County shall be paid monthly by said clerk into the fine and forfeiture fund of St. Clair County. The fees accruing to the judges, sheriff, and witnesses, when collected, shall be paid directly to those persons or officers entitled thereto.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 2, 1965.

Time: 5:29 P. M.

Act No. 802

H. 1004—Hannah, Boston

AN ACT

To amend Section 2 of Act No. 116, S. 7, approved September 15, 1961 (Acts 1961, v. II, p. 2041), an Act relating to Lauderdale County and providing for the appointment and compensation of a Secretary to the county Sheriff, so as to increase the amount of compensation payable.

Be it Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 116, S. 7, approved September 15, 1961 (Acts 1961, v. II, p. 2041), an Act relating to Lauderdale County and providing for the appointment and compensation of a Secretary to the county Sheriff, is hereby amended to read as follows:

“Section 2. The secretary appointed by the sheriff of Lauderdale County under the provisions of this act shall receive such salary as may, from time to time, be fixed and allowed by the Court of County Commissioners, or other like governing body of the county, to be paid in equal monthly or semi-monthly installments out of the general fund of Lauderdale County.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 2, 1965.

Time: 5:30 P. M.

AN ACT

To provide for the Public Health; to amend Title 22, Section 95, Code of Alabama 1940, as last amended by Act 170, Acts of Alabama, 1949 Regular Session, Page 197, so as to eliminate the requirement that pre-nuptial certificates required of applicants for a marriage license remain permanently attached to the marriage license.

Be It Enacted by the Legislature of Alabama:

Section 1. Title 22, Section 95, Code of Alabama 1940, as last amended by Act 170, Act of Alabama 1949 Regular Session Page 197, is hereby amended to read as follows:

"Section 95. Except as herein provided, each applicant for a marriage license shall file with the judge of probate a certificate from a legally licensed physician setting forth that the applicant has been examined for venereal disease and that in the opinion of the examining physician the person is either not infected with syphilis, or, if infected with syphilis, it is not in a stage of that disease which is communicable. Such examination on the part of the physician shall include a physical examination and an approved laboratory test for syphilis.

"The above mentioned certificate shall be accompanied by a statement from the person in charge of the laboratory making the required tests, or from some other person authorized to make such reports. A separate form shall be used to show the results of the test and shall be transmitted by the laboratory to the physician.

"The above mentioned certificate of the examining physician and the statement of the person authorized to make reports for the laboratory shall be on a form approved, provided, and distributed by the Alabama State Board of Health or on any similar form which may be used by any physician or laboratory authorized by this Title to perform such examinations and laboratory tests.

"The laboratory tests required by this Act shall be performed by approved methods either in a laboratory of the Alabama State Board of Health, a laboratory approved by the Alabama State Board of Health, a laboratory operated or approved by the board of health, or similar department, of another State within which such laboratory is situated, or a laboratory operated or approved by an agency of the Federal Government. Such laboratory tests must be made within thirty (30) days prior to the issuance of the marriage license.

"Before the judge of probate issues any marriage license he shall attach thereto the certificate relating to each applicant. No

minister or other person authorized to perform marriage ceremonies in Alabama shall perform a ceremony unless the certificate as to each contracting party is attached to the marriage license.

"If on the joint application of both parties to a proposed marriage the judge of probate is satisfied that an emergency exists, or is satisfied that the parties have previously married each other and have continuously lived together as husband and wife since such marriage but must remarry to cure some defect in the previous marriage, he may waive the requirement of this Act and issue a license, provided all other requirements of the marriage laws have been complied with.

"If certificates have been refused because one or both of the applicants have been found to be infected with syphilis and if the judge of probate is satisfied that an emergency exists, he may, on joint application by both parties to the proposed marriage, issue a license, provided all other requirements of the marriage laws have been complied with.

"An emergency shall be defined as: (a) Any female applicant for a license to marry who makes an affidavit, which shall be supported by medical testimony, to the effect that she is pregnant; (b) impending death in either of the contracting parties; (c) such other causes as may be defined from time to time by the State Board of Health."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 2, 1965.

Time: 5:31 P. M.

Act No. 804

H. 1079—Bevill

AN ACT

Relating to counties having populations of not less than 51,000 nor more than 56,000; providing an additional appropriation for the tax collectors of such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 51,000 nor more than 56,000, according to the most recent federal decennial census, the court of county commissioners, board of revenue, or other like governing body of the county, shall appropriate the sum of \$600 from any funds in the county treasury not otherwise appropriated, to the use of the tax collector for the fiscal year ending September 30, 1965.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 2, 1965.

Time: 5:32 P. M.

Act No. 805

H. 1134—Turner (Limestone)

AN ACT

To amend Section 16 of Act No. 107, SB 2, passed by the 1965 Special Session of the Legislature of Alabama, so as to preserve the right of the State Board of Health to approve the source of water furnished by incorporated water authorities.

Be It Enacted by the Legislature of Alabama:

That Section 16 of Act No. 107, Special Session 1965, be amended to read as follows:

"Section 16. **Freedom of Authority from Public Service Commission and Other State Supervision and Control.** This Act is intended to aid the State in the execution of its duties by providing appropriate and independent instrumentalities of the State with full and adequate powers to fulfill their functions. Except as in this Act expressly otherwise provided, no proceeding, notice or approval shall be required for the incorporation of any Authority or the amendment of its certificate of incorporation, the acquisition of any property, water system or fire protection facility, or the issuance of any bonds, mortgage and deed of trust, or trust indenture. The Authority, every water system or fire protection facility of the Authority, and the rates and charges thereof shall be exempt from all jurisdiction of, and all regulation and supervision by, the Public Service Commission. Neither a public hearing nor the consent of the State Department of Finance shall be prerequisite to the issuance of bonds by the Authority. Nothing in this Act shall be construed to repeal the requirement for obtaining the permit provided for in Title 22, Section 130, of the Code of Alabama 1940."

Approved September 2, 1965.

Time: 5:33 P. M.

Act No. 806

H. 1267—Merrill, Albea, Nabors

AN ACT

To apply in all counties in this state having populations of not less than 76,000, and not more than 116,000, according to the latest or any subsequent federal decennial census, and to provide for and authorize

the introduction in evidence in any court in Alabama in such counties, when relevant and material, certified copies of hospital records of any hospital organized or operated under or pursuant to the laws of Alabama, including records of admission, medical, clinical, hospital, occupational, disease, injury and disability histories, X-rays and written interpretations thereof, pictures, photographs, files, written orders, directions, findings and reports of physicians, doctors, surgeons, pathologists, radiologists, specialists, dentists, technicians and nurses, as well as employees of such hospital, forming a part of such hospital records, as to the health, physical and mental condition, state, sickness, disease, mental and physical disorders, damages, duration and character of disabilities, diagnosis, prognosis, progress, operations, incisions, injuries, wounds, cuts, lacerations, bruises, breaks, examinations, tests, transfusions, hospitalization and duration thereof, medication, medicines, treatment and care and charge sheets and the costs, expenses, fees and charges therefor and thereof, as to and of a patient in said hospital, when the custodian of such hospital records certifies and affirms in writing that the same are an exact, full, true and correct copy of such hospital records; with the proviso that all circumstances of the making of such hospital records, including lack of personal knowledge by the entrant or maker, may be otherwise shown to affect the weight of such hospital records but they shall not affect their admissibility; and to provide for the cost and the taxing thereof for said copy and certificate and affirmance in writing thereto and the filing of said copy with the clerk or register of the court having jurisdiction of the suit or proceeding, and to provide for subpoena duces tecum therefor.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only in all those counties in Alabama now having populations of not less than 76,000 and not more than 116,000, according to the latest or any subsequent federal decennial census, and that when the original would be admissible in any suit or proceeding in a court of Alabama in any such county, a certified copy of the hospital records of any hospital organized or operated under or pursuant to the laws of Alabama, including records of admission, medical, hospital, occupational, disease, injury and disability histories, temperature and other charts, X-rays and written interpretations thereof, pictures, photographs, files, written orders, directions, findings and reports and interpretations of physicians, doctors, surgeons, pathologists, radiologists, specialists, dentists, technicians and nurses, as well as of all employees of such hospital, forming a part of such hospital records as to the health, condition, state, injuries, sickness, disease, mental, physical and nervous disorders, duration and character of disabilities, diagnosis, prognosis, progress, wounds, cuts, contusions, lacerations, breaks, loss of blood, incisions, operations, injuries, examinations, tests, transfusions, hospitalization and duration thereof, medication, medicines, supplies, treatment and care and the cost, expenses, fees and charges therefor and thereof, a part of or shown on or in said hospital records of any patient in said hospital when certified and affirmed by

the custodian of said hospital records as herein provided, shall be admissible in evidence without further proof in any court in Alabama in any such county where material and relevant, if and when said hospital records were made and kept in the usual and regular course of business of said hospital and it was in the regular course of business of said hospital to make and keep said records and that said records were made at the time of such acts, transactions, occurrences or events therein referred to occurred or arose or were made, or within a reasonable time thereafter.

Section 2. A certified copy of said hospital records may be procured by any litigant in any court of competent jurisdiction in Alabama in any such county by subpoena duces tecum and when any such subpoena duces tecum is issued for said hospital records the custodian of said hospital records shall prepare a copy of said hospital records as herein provided and securely seal the same in an envelope or other container and date and fill out and sign a certificate in substantially the form in this act provided and place on, or securely fasten said certificate to the outside of said envelope or container in which said copy of said hospital records are placed and deliver the same to the clerk or register of the court hearing or to hear or to try the suit or proceeding in which the records are sought and he shall not otherwise be required to appear in court unless thereafter ordered to do so by the court. Said envelope or container in which the copy of the hospital records are enclosed shall not be opened until ordered published by the court trying the case at the time of the trial. When so prepared and certified the copy of said hospital records shall be admissible in evidence in any court in Alabama in any such county, if and when relevant and material, is prima facie proof of the facts therein shown just as if otherwise verified and just as if the copy were the original. The copy of the hospital records may be photostated, photographed or made by microphotographic plate or film or otherwise made so long as clear and easily legible. All the circumstances of the making of such hospital records, including lack of personal knowledge of the entrant or maker of such hospital records may otherwise be shown to affect the weight of such hospital records but this shall not affect their admissibility.

For preparing a copy of such hospital records the clerk or register shall tax as costs twenty-five cents for each page of said hospital records and \$2.50 for making the certificate affixed or appended thereto which charges shall be taxed as costs in the suit or proceeding and said costs shall abide the result of the suit or proceeding.

Section 3. The certificate of the custodian of the hospital

records herein provided for shall show the name of the parties to the suit or proceeding and the name of the court to which made, by appropriate caption, and said certificate shall be in form in substance as follows, to-wit:

I, _____ hereby certify and affirm in writing that I am _____ of the _____ Hospital, a hospital organized or operated pursuant to or under the laws of Alabama, located at _____, Alabama, and that I am custodian of the hospital records of said hospital and that the within copy of said hospital records is an exact, full, true and correct copy of said hospital records pertaining to _____.

I further certify that I am familiar with and know, and knew when made and charged, the reasonable value and price for the various charges made and shown in said hospital records pertaining to _____ and that said charges are in my judgment just, reasonable and proper and in keeping with those generally charged in the county and community where said hospital is located.

All of which I hereby certify and affirm on this _____ day of _____, 19____.

Section 4. All laws or parts of laws which conflict with this act are repealed.

Section 5. This act shall become effective immediately.

Approved September 2, 1965.

Time: 5:34 P. M.

Act No. 807

H. 1269—Salter

AN ACT

To apply only in counties having populations of not less than 17,400 nor more than 17,800; providing for payment of an expense allowance to the superintendent of education of any such county.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 17,400 nor more than 17,800, according to the most recent federal decennial census, the county superintendent of education shall be entitled to an allowance for expenses of not less than \$1,200 per annum, to be fixed by the county board of education, and shall be paid in equal monthly installments at the end of each month from the public school funds of the county.

Section 2. This Act shall take effect October 1, 1966.

Approved September 2, 1965.

Time: 5:35 P. M.

Act No. 808

H. 1270—Steagall

AN ACT

To regulate the compensation and allowances of regular jurors serving in court in Dale County.

Be It Enacted by the Legislature of Alabama:

Section 1. In Dale County regular jurors, grand and petit, shall be entitled to eight dollars for each day's service, five cents for each mile traveled in going to and returning from court each day, and ferriage and toll, to be proved by the oath of the juror before the clerk of the court. The clerk shall give each juror a certificate stating therein the number of days he has served, the number of miles he has traveled, the amount of ferriage and toll he has paid, and the amount of compensation to which he is entitled. The certificate shall be payable from the county treasury and shall also be receivable in payment of county taxes as provided in Code 1940, Title 11, Section 98.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 2, 1965.

Time: 5:36 P. M.

Act No. 809

H. 1273—Burns, Nabors, Owens

AN ACT

To apply only in counties having a population of not less than 96,000 nor more than 116,000 inhabitants according to the 1960 or any subsequent decennial census of the United States; Providing for an Administrative Consultant to the Circuit Clerk of such Counties of Alabama, and to prescribe the qualifications, duties, compensation, and terms of such Administrative Consultants.

Be It Enacted by the Legislature of Alabama:

SECTION 1. This Act shall apply only in counties having a population of not less than 96,000 nor more than 116,000 in-

habitants according to the 1960 or any subsequent decennial Census of the United States.

SECTION 2. Any person who is Sixty-three years of age or over, and who has served as Circuit Clerk in this State, continuously for a total of at least Thirty years, may elect to become an Administrative Consultant to such county office by filing a written declaration to that effect with the governing body of the county. Said governing body shall approve the declaration if it finds that the facts are sufficient to justify such declaration.

Immediately upon approval of such declaration the Circuit Clerk filing the declaration must take the oath of office prescribed by the Constitution for County officers and within Ten days after filing said oath and approval of declaration for record in the office of the Judge of Probate, the Probate Judge must certify same to the Secretary of State, who shall be required to issue forthwith a commission to the Circuit Clerk filing said declaration and oath. The duty of such Administrative Consultant shall begin on the fifteenth day of the month following the month in which Commission is issued.

SECTION 3. Any person holding office as an Administrative Consultant to a Circuit Clerk under the Provisions of this Act shall hold office for life, subject to good behavior, and shall be on call at all times to advise and consult with the holder of said office of the County in matters pertaining to the duties of such officer, provided, however, that duty as an Administrative Consultant shall not be required if said Administrative Consultant should become physically or mentally unable to perform said duty, provided proof of such condition is shown by sworn Certificates of three reputable physicians and filed with the governing body of the County, and in such event compensation shall continue.

SECTION 4. The annual salary of the person holding office as an Administrative Consultant under the Provisions of this Act shall be Twenty-seven Hundred Dollars (\$2,700.00), payable in equal monthly installments out of the County Treasury as other County Officers are paid.

SECTION 5. Said Administrative Consultant shall have the right and privilege to waive any compensation above and beyond that which is allowed in addition to Social Security benefits.

SECTION 6. All laws or parts of laws which conflict with this Act are expressly repealed.

SECTION 7. This Act shall become effective immediately

upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 2, 1965.

Time: 5:37 P. M.

Act No. 810

H. 1274—Hester

AN ACT

To amend and extend the corporation limits of the City of Russellville, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the corporate limits of the City of Russellville, Alabama, are hereby amended and extended to include within said city the following additional territory:

That portion of the NW $\frac{1}{4}$ of Section 7, Township 7, Range 11 that lies East of the Waterplant Road;

NW $\frac{1}{4}$ of Section 8, Township 7, Range 11;

NE $\frac{1}{4}$ of Section 7, Township 7, Range 11;

S $\frac{1}{2}$ of SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 8, Township 7, Range 11 West that lies West of Pebble Road;

SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 6, Township 7, Range 11 West;

All those portions of SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 7, Township 7, Range 11 West that lies East and North of Waterplant Road.

Also, that portion of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 1, Township 7 South, Range 12 West described as follows: Commence at the Southeast corner of Northeast quarter of Section 1, Township 7 South, Range 12 West; thence South 87 degrees West 598 feet to a point on the proposed Northwesterly boundary of U. S. Highway No. 43; thence North 33 degrees 45 minutes East along said proposed right of way 172 feet 7 and $\frac{3}{4}$ inches on Southwesterly boundary of V. L. Franks property, for point of beginning; thence North 56 degrees 5 minutes West along V. L. Franks' property line 372 feet to a stake; thence South 28 degrees West 201 feet 6 inches to a stake; thence South 56 degrees 5 minutes East 352 feet to a stake on Northwesterly boundary of said U. S. Highway No. 43; thence North 33 degrees 45 minutes East along said proposed right of way 200 feet to the point of beginning.

Also, that portion of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 1, Township 7, Range 12 West described as follows:

Commence at the Quarter Section post on the East boundary line of Section 1, Township 7, Range 12 West, and run North 4 degrees 35 minutes West 9.256 chains, thence South 87 degrees 13 minutes West 1.39 chains to an iron stake on the Westerly boundary of the right-of-way of U. S. Highway No. 43, thence South 33 degrees 55 minutes West along said right-of-way 515.64 feet to the point of beginning; thence North 56 degrees 5 minutes West, or at right angles to said highway, 180 feet to a ditch; thence Northerly along said ditch 95 feet to a point which is 200 feet West of and at right angles to said right-of-way; thence North 56 degrees 5 minutes West 217.516 feet; thence South 33 degrees 55 minutes West parallel with said right-of-way 3.163 chains; thence South 56 degrees 5 minutes East 6.326 chains to said right-of-way; thence North 33 degrees 55 minutes East along said right-of-way 113.758 feet to the point of beginning.

Section 2. This Act shall take effect October 1, 1965.

Approved September 2, 1965.

Time: 5:38 P. M.

Act No. 811 H. 1275—Vacca, Locke, Brown (Jefferson),
Meeks, Bowers, Sessions, Bethea
(M), Hawkins, Gilmore

AN ACT

To provide that in all counties having a population of more than 600,000 inhabitants according to the last or any succeeding census, the towns or municipal corporations located therein are prohibited authority to impose any tax which will or can be levied on any transaction or sale of personal property by an itinerant or route salesman outside the police jurisdiction of such town or municipal corporation.

Be It Enacted by the Legislature of Alabama:

SECTION 1: — Definition — An itinerant or route salesman is one who sells personal property at retail from a vehicle, and delivers it to the premises of the customer.

SECTION 2: All authority heretofore vested in towns and municipal corporations located in counties having a population of more than 600,000 inhabitants according to the last or any succeeding federal census, to impose privilege license tax upon persons, firms or corporations engaged in the sale of tangible personal property at retail, which will or can be levied on any transaction or sale of personal property by an

itinerant or route salesman outside the police jurisdiction of such town or municipal corporation, is hereby revoked.

SECTION 3: Any such tax which is now in effect which permits a levy on any transaction or sale of personal property by an itinerant or route salesman outside the police jurisdiction of such town or municipal corporation is void and any new attempt to impose such a tax shall be void.

SECTION 4: This act shall become effective immediately upon its passage and approval by the governor or upon its otherwise becoming a law.

Approved September 2, 1965.

Time: 5:39 P. M.

Act No. 812 H. 1282—McDermott, Engel, Hogan, Rogers,
 Collins (Mobile), Edington,
 Downing, Smith

AN ACT

To apply only in counties in the state having a population of not less than 300,000 nor more than 500,000 inhabitants, according to the last or any subsequent federal decennial census, wherein the use of voting machines has been, or shall be, authorized; to provide that the county governing body in regulating and providing for the use of voting machines in all elections in the county may, in the manner herein prescribed, designate a voting center in each ward or precinct within the county at which the qualified electors of the ward and precinct may vote, and prescribe the number of voting machines to be maintained at each voting center; to provide election officers for each voting center designated by the county governing body and prescribe the duties of such election officers.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in counties of the state having a population of not less than 300,000 nor more than 500,000 inhabitants according to the last or any subsequent federal decennial census. Unless a contrary intent appears from the context, as used herein, the word "county" means any county to which this Act applies; the phrase "county governing body" means the court of county commissioners, board of revenue, or other like governing body of any such county; the word "election" means any general, special, or primary election held in the county, including a district, municipal, county, state or federal election; and the term "voting center" means any place in the county which the county governing body designates as a place where a voting machine or voting machines will be maintained or operated at elections.

Section 2. (a) Subject to the provisions of subsection (b), when the use of voting machines at elections in the county has been, or shall hereafter be authorized, the county governing body of the county shall have the authority to designate a voting center in each ward and precinct within the county. The order so designating voting centers shall state the location of the voting center within the ward or precinct for which said voting center is designated. A copy of this order shall be posted at the courthouse door of each county to which this act applies.

(b) Except as herein expressly provided, in designating voting centers, the county governing body shall be subject to all other laws applicable to the governing body of a county, regarding the change or establishment of the districts of a precinct, including but not limited to the provisions of Article 6, Chapter 1, Title 17, Code of Alabama 1940, as amended.

Section 3. The voting list of any ward or precinct which is furnished the election officers serving at the voting center designated for such ward or precinct shall contain the names of all qualified electors of the ward or precinct on a single roll, which roll may be separated according to alphabetical subdivisions by said election officers for the purpose of expediting the registration of qualified voters.

No elector shall vote at any voting center other than the voting center of the ward or precinct of which he is a qualified elector, but any elector whose name appears on the qualified voters' list at a voting center may vote on any voting machine maintained at such voting center, upon presentation of the identification card issued to him by an election officer serving at such voting center and upon signing the poll list maintained at the voting machine at which he proposes to vote. The voting machines at any such voting center shall be numbered consecutively, beginning with Number 1, and each machine shall display a card indicating the number of that machine. The numbers on such cards shall be clearly visible from the registration table.

Section 4. (a) The city governing body in the case of municipal elections and the county governing body in all other elections shall determine the number of voting machines deemed necessary to serve adequately the voters at an election, taking into consideration the nature or character of the election; provided, however, that at each election there shall be maintained at each voting center at least one voting machine for each six hundred registered electors, or fraction thereof, residing in the territory served by the voting center designated for said ward or precinct. At least thirty days prior to the time

when the election officers for an election are required to be appointed, the county governing body shall in writing inform the officers whose duty it is to appoint said election officers of the number of voting machines which will be maintained at the respective voting centers during the forthcoming election; and the officers whose duty it is to appoint election officers shall appoint the number of election officers for the respective voting centers required hereby to conduct elections in which the number of voting machines, shown in the statement of the county governing body, will be maintained, and such appointing officers shall forthwith furnish a list of election officials appointed for the election to the County governing body.

Section 4. (b) After the appointment of the election officials and not less than 5 days before each election, the County shall conduct a school or schools for election officials on such location and time schedules as the County governing body shall decide, at which school or schools, qualified instructors furnished by the County will instruct the election officials on their authority and duties at the polls and on the proper method and manner of operating the voting machines. Upon the completion of the course of instructions the school will issue a certificate of completion to each election official who has successfully completed the course, such certificate to be in a form determined and supplied by the County, stating the name of the election official to whom it is issued, the fact of his successful completion of the school and the date of such completion. The County governing body shall keep an up to date cumulative list, from election to election, of all election officials who complete the school and have been issued certificates of such completion. The County Governing body shall keep this list up to date by purging therefrom, at reasonable intervals, the names of deceased persons, persons who have moved from the County, and persons who no longer wish to serve as election officials or for some other reason cannot serve. No election official who fails to acquire such certificate of completion prior to the first election for which he is appointed after the adoption of this Act will be qualified for appointment as an election official at any subsequent election, and it shall be the duty of the officers whose duty it is to appoint election officials to check with the County governing body's cumulative list of qualified election officials to determine whether any previously appointed election officials failed to complete the school as required and it shall be unlawful to appoint any such persons as election officials at any subsequent election. The written notice of appointment to each election official shall contain a brief statement outlining the qualification requirements of this Section and it shall be the

responsibility of each election official who has not obtained a certificate of completion from the election official school to inquire the time and place of such school in order to attend and obtain the necessary certificate of completion. Once an election official has been issued a certificate of completion by the election official school as above required, it will not be necessary to attend the school again unless required to do so by the County governing body, which body shall only make such requirement for good cause such as a change in voting machine operation procedures or other changes in voting procedures or the duties of election officials which would make attendance at another school advisable. No school for election officials need be conducted before any election wherein all of the election officials appointed for that election have acquired a Certificate of Completion as above provided.

Section 5. For each voting center there shall be appointed one inspector, one chief clerk who shall also serve as assistant inspector, and two assistant clerks. For each six hundred electors, or fraction thereof, registered in said ward or precinct in excess of an initial six hundred electors, there shall be also appointed one additional assistant clerk. In addition, two assistant clerks shall be appointed for each voting machine at any given polling place when more than one machine is used.

Section 6. The inspector shall be in general charge of the polling place and he shall have the duty to see that all voting machines are enclosed inside a barrier which shall be provided by the authority in charge of the election. It shall be the further duty of the inspector to arrange the barrier so as to provide a single opening adjacent to the position of chief clerk and first assistant clerk; to see that no one is inside the barrier at any one time other than the election officials, a single person inside each voting machine, and not more than three persons in a waiting position outside each voting machine. It shall be the further duty of the inspector to supervise the performance of the duties of the other election officials as hereinafter provided. Any person voting a challenged ballot shall sign under the supervision of the inspector or assistant inspector the poll list maintained at Voting Machine No. 1 at each voting center and the words "challenged ballot" shall be entered following his name. All challenged ballots shall be deposited in the election supply box assigned to voting machine No. 1 and such box shall be securely locked at all times. The inspector or one of the election officials designated by him shall serve as returning officer for the voting center and shall perform the duties assigned to returning officers by the election laws of Alabama.

Section 7. The chief clerk or his assistant shall check off the list of qualified voters the name of each person as he is permitted to enter the voting area. The voter shall be issued a voter identification card which shall at that time be initialed by the chief clerk or his assistant at the registration table and then presented by the voter to the assistant clerk in charge of the voting machine and surrendered to him before the voter enters the voting machine. The voter identification card shall thereupon be deposited in the election supply box assigned to that machine. The identification cards shall each have printed on them the words "voter identification card", and the same shall contain a space in which shall be entered the initials of the election officer who delivers the card. Identification cards shall be procured by the same officer who procures other election supplies and shall be paid for from the same funds that the cost of other election supplies are paid. The assistant clerks in charge of the voting machines shall require that each voter sign at the machine a poll list before he is allowed to enter the machine to vote. The statement of canvass as required by law shall be made for each voting machine. On each statement of canvass form which the inspector certifies he shall show separately for each machine the total number of votes cast on that machine as shown by the public counters thereon, and the total number of electors' names recorded on the poll list under the supervision of the clerk in charge of such machine. He shall also show thereon the total number of votes cast at the voting center and the total number of electors' names recorded on all the poll lists there. A separate poll list of persons casting challenged votes shall be kept by the officials and maintained at voting machine No. 1.

Section 8. It shall be the duty of all election officials to see that order is maintained in the polling place, that all persons waiting in line remain outside the barrier until a waiting place at one of the voting machines is vacant, and to see that only persons authorized by law to do so enter the polling area inside the barrier which encloses the voting machines. The inspector shall see that the returns are filled out for each voting machine as required by law and that the records of the election relating to each machine, including the poll list and voter identification cards used for such machine, are enclosed respectively in the election supply box assigned to each machine, and that the list of qualified voters, challenged ballots, and one copy of each challenged oath and any other records relating to the election in general are enclosed in the election supply box assigned to voting machine No. 1. Immediately upon the enclosure of the required materials in the appropriate election supply box, each box shall be securely fastened and locked.

Section 9. The polls shall be opened at each place of voting in each ward and precinct at the hour of eight o'clock in the morning and shall be kept open without intermission or adjournment until the hour of six o'clock in the evening. Any qualified elector in each county to which this Act applies who is entitled to vote at such voting places and who has properly identified himself with the polling officials at such polling place by the time checked for closing shall be allowed to cast his ballot.

Section 10. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 11. The provisions of this Act shall be supplemental to other laws regulating the designating of voting places and the laws relating to elections generally and shall be construed in *pari materia* with such laws but such provisions of these laws as conflict with this Act are hereby repealed.

Section 12. This Act shall become effective October 1, 1965.

Approved September 2, 1965.

Time: 5:40 P.M.

Act No. 813

H. 1264—Fite

AN ACT

Relating to admissibility of evidence in civil actions in the courts of all counties having populations of not less than 20,050 nor more than 21,850, according to the most recent federal decennial census; to require persons taking or having possession of written statements with respect to accidents or injuries relative to which civil actions may be filed in the courts of such counties to furnish copies thereof to the person making such statements and prescribing the effect of failure to furnish copies in accordance with the provisions of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Every person who shall take a written statement by any injured person with respect to any accident or with respect to any injury to person or property, if a civil action for damages growing out of such accident or injury may be brought in any county in this state having a population of not less than 20,050 nor more than 21,850 according to the most recent federal decennial census, shall, at the time of taking such statement, furnish to the person making such statement a true and complete copy thereof. Any person having taken, or having possession of any written statement or a copy of such statement, by any injured person with respect to any such accident or with respect

to any such injury to person or property shall, at the request of the person who made such statement or his personal representative, furnish the person who made such statement or his personal representative a true and complete copy thereof. No such written statement by an injured person shall be admissible in evidence or otherwise used in any manner in any civil action relating to the subject matter thereof in any court in a county having a population of not less than 20,050 nor more than 21,850 according to the most recent federal decennial census unless it shall be shown that a true and complete copy thereof was furnished to the person making such statement at the time of the making thereof, or, if it shall be shown that thereafter a person having possession of such statement refused, upon request of the person who made the statement or his personal representative, to furnish him a true and complete copy thereof.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 2, 1965.

Time: 5:42 P. M.

Act No. 814

H. 1278—Fite

AN ACT

To extend, alter and rearrange the boundary lines and corporate limits of the Town of Glen Allen, in Marion County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines and corporate limits of the Town of Glen Allen, in Marion County, Alabama, be and the same are hereby extended, altered, and rearranged so as to include within the corporate limits of said town all of the following described territory:

N $\frac{1}{2}$ of NE $\frac{1}{4}$ of SE $\frac{1}{4}$ and E $\frac{1}{2}$ of NE $\frac{1}{4}$, Section 13, Township 13 South, Range 12 West; SE $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 12, Township 13 South, Range 12 West; W $\frac{1}{2}$ of SW $\frac{1}{4}$, Section 7, Township 13 South, Range 11 West, Marion County, Alabama.

Section 2. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 3. That this Act shall go into effect on its passage and approval by the Governor.

Approved September 2, 1965.

Time: 5:43 P. M.

Act No. 815

H. 446—Collins (Jefferson), Vacca, Brown
(Jefferson), Gilmore

AN ACT

To amend and revise Section 41 (d) (1), (2) and (3) of Title 36 of the 1940 Code of Alabama as amended, all of which refer to special restrictions on lamps on motor vehicles.

Be it Enacted by the Legislature of Alabama:

Section 41 (d), subsections (1), (2) and (3) of Title 36 of the 1940 Code of Alabama, as amended, is hereby amended and revised to read:

Section 41 (d)

(1) Special restrictions on lamps. Any lighted lamp or illuminated device upon a motor vehicle other than head lamps, spot lamps, auxiliary lamps, or flashing front direction signals which projects a beam of light of an intensity greater than three hundred (300) candlepower shall be so directed that no part of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five (75) feet from the vehicle.

(2) No person shall drive or move any vehicle or equipment upon any highway with any lamp or device thereon displaying a red light visible from directly in front of the center thereof. This section shall not apply to authorized emergency vehicles.

(3) Any vehicle may be equipped with flashing lamps which may be used for the purpose of warning the operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching overtaking or passing, and when so equipped may display such warning in addition to any other warning signals required by this act. The lamps used to display such warning to the front shall be mounted at the same level and as widely spaced laterally as practicable and shall display simultaneously flashing white or amber lights, or any shade of color between white and amber.

The lamps used to display such warning to the rear shall be mounted at the same level and as widely spaced laterally as practicable, and shall show simultaneously flashing amber or red

lights, or any shade of color between amber and red. These warning lights shall be visible from a distance of not less than 1,500 feet under normal atmospheric conditions at night.

(4) Flashing lights may be used on motor vehicles as a means of indicating a right or left turn; a stop lamp may pulsate with different intensities provided that it meets at all intensities the provisions of paragraph b (2) of this section; and the warning lights on emergency vehicles may flash.

This act shall be effective immediately upon its passage and approval by the Governor, or upon it otherwise becoming a law.

Approved September 2, 1965.

Time: 5:45 P. M.

Act No. 816

H. 952—Cates

AN ACT

To create the Shelby County Planning Commission; to provide for the organization, membership, powers, personnel, jurisdiction, and financial and legal status of such commission; to authorize the Commission to make subdivision regulations, a master plan, and to adopt zoning regulations for the development of Shelby County; to provide for an election in each beat prior to the application of such authority of the Commission in each beat; to grant the Commission power to zone certain areas within the county and provide a procedure for the amendment of zoning regulations; to prohibit zoning regulations from being retroactive; to provide remedies for the enforcement of the provisions of this act; and to provide exceptions to such zoning regulations and for appeals from the decisions of the Commission.

Be It Enacted by the Legislature of Alabama:

Section 1. Creation of County Planning Commission. There is hereby created a Planning Commission for Shelby County, Alabama which Commission shall be appointed as herein provided and shall have responsibilities and duties as are stated herein. The Commission shall be known as the Shelby County Planning Commission. The term, "county governing body" when used herein shall refer to the Shelby County Board of Revenue and Control or its successors.

Section 2. Personnel of the Shelby County Planning Commission. The Commission shall be composed of seven members, all of whom shall be over the age of 25 years and each of whom shall be a qualified elector in and an actual resident of and a free-holder in Shelby County who resides outside the corporate limits of any municipality therein. Two of the members shall be appointed by the Board of Revenue and Control of Shelby County, two shall be appointed by the Shelby County Board of Education,

two shall be appointed by the Shelby County Bar Association, and one shall be appointed by the Judge of the Circuit Court of Shelby County. Not over two members of the Commission shall come from any one beat of the County. Each member shall serve a term of six years and until his successor is duly appointed and qualified. Prior to taking office each member shall subscribe to an oath as provided by law for public officials and the same shall be recorded in the Probate Office of Shelby County. The original members of this Commission shall draw lots to determine the period of time each is to serve and the terms of two shall expire two years from the date of the organization of the Commission, the terms of two shall expire four years from the date of the organization of the Commission and the terms of three shall expire six years from the date of the organization of the Commission. In the event of a vacancy on the Commission the same shall be filled as in the case of the original appointment. All members shall serve without compensation, and the members shall hold no other county office. However, reasonable and necessary expenses of the members shall be paid from the General Fund of Shelby County.

Section 3. Jurisdiction of Commission. The jurisdiction of the Commission shall extend to all areas of the county outside the boundaries of municipal corporations; provided, however, that where a municipality now or in the future is authorized to exercise and does in fact exercise planning and zoning powers in any area outside its municipal boundaries, such areas shall be excluded from the jurisdiction of the county planning commission.

Section 4. Organization and rules. The Commission shall elect its chairman and create and fill such other offices as it may determine. The term of chairman shall be for one year, with eligibility for re-election. The Commission shall normally hold at least one regular meeting each month. It shall adopt by-laws for the transaction of business and shall keep a record of its resolutions, transaction of business, which record shall be a public record. Five of the members shall constitute a quorum to transact the business of the Commission.

Section 5. Staff and Finances. The Commission may appoint, promote, demote, and remove such employees as it deems necessary for its work. The Commission may also contract with county or city planners, engineers, architects, and other consultants and with any local, state, or federal agency for such services as it may require. The Commission may cooperate with and accept funds from Federal, state and local public or semi-public agencies, private individuals or corporations, and may expend such funds, and may carry out such cooperative undertakings and contracts for planning studies necessary in the performance of its duties. The expenditures of the Commission,

exclusive of gifts, grants, or contract receipts, shall be within the amounts appropriated for the purpose by the County governing body.

Section 6. General Power and Duties of the Commission. It shall be the function and duty of the Commission to make and maintain in an up-to-date manner a master plan and to adopt appropriate zoning regulations as provided by Section 10 hereof for the physical development of Shelby County; provided, however, that the Commission shall have no power, by the adoption of zoning regulations or otherwise, to limit or impair in any manner the use of land for mining, quarrying or otherwise extracting coal, limestone or other minerals located therein, or for processing or distribution of such minerals. Such plan and regulations with the accompanying maps, plats, charts, and descriptive material shall show the Commission's recommendations for the use and development of the territory of the said county. The zoning regulations shall also include a zoning plan for selected areas for the control of the height, area, bulk, location, and use of buildings and land. As the work of making the whole master plan and preparation of zoning regulations progresses, the Commission may from time to time adopt and publish a part or parts thereof, any such part to cover one or more major sections or divisions of the county. The Commission may from time to time amend, extend, or add to the plan or regulations as hereinafter provided. Nothing in this act shall be construed to impair the right of eminent domain conferred on railroads and utilities, both public and private, or their right to construct, use and maintain structures reasonably required in the public service or their right to exercise authority conferred by statutes, franchises, certificates of convenience and necessity, licenses, easements or conveyances.

Section 7. Purposes in View. In the preparation of the master plan and zoning regulations, the commission shall make careful and comprehensive surveys and studies of the present conditions existing within the county with due regard to existing agricultural uses, to land by virtue of its fertility, proximity to water supplies, and other geographical features is particularly suited to agricultural uses, to neighboring municipalities, towns and villages, to the growth of sub-divisions, to the general population growth of the county, and make adequate provision for traffic, recreational areas and industry, and other public requirements. The plan and zoning regulations should be made with the general purpose of guiding and accomplishing a co-ordinated, adjusted and harmonious development of the county, which will, in accordance with present and future needs, best promote health, safety, morals, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the

process of development, and should promote safety from fire, flood and other dangers, the healthful and convenient distribution of population, and the wise and efficient expenditure of public funds. The plan and regulations shall be a public record, but its purpose and effect shall be to aid the planning commission in the performance of its duties, including making recommendations to the county governing body and assisting cooperating with other federal, state and local agencies so as to achieve coordinated, adjusted, and harmonious development.

Section 8. Election to Determine if Beat is to be Covered by The Master Plan and Zoning Regulations. The master plan and zoning regulations provided by the Commission shall not be applicable in any beat of Shelby County until the majority of the qualified electors of the beat voting in a special election shall have signified by their vote that they desire the authority of the Commission, its master plan and the zoning regulations to apply to their beat. Such an election must be held not less than 30 nor more than 45 days after a petition is filed in the office of the judge of probate seeking such an election and signed by no less than 25 electors who vote in said beat and who also own an interest in real estate that is located in such beat. Notice of such election shall be given by three weeks publication and posting notice in two public places within the beat. The cost of conducting said election shall be paid from the General Fund of Shelby County. The ballot shall be so worded as to give the voter the opportunity to vote either "Yes" or "No" as to whether he wishes the authority of the Commission, its master plan and the zoning regulations to apply to such beat. Only those qualified electors outside of the boundaries of municipal corporations, or where a municipality now or in the future is authorized to exercise, and does, in fact, exercise planning and zoning powers in any area outside its municipal boundaries, or such areas excluded from the jurisdiction of the commission as set out in Section 3, shall be permitted to vote or sign a petition calling for election in the beat concerned and a statement to this fact shall be carried on the ballot and the petition or said ballot and petition shall not be valid.

Section 9. Subdivision Regulations. The Commission shall adopt a code of regulations applicable to the subdivision of land and plats of subdivisions shall not, after the adoption of such code of regulations, be accepted for filing and recording in the Probate Office until they have been approved in a manner to be designated by the Commission. The Commission is hereby authorized to provide a penalty not to exceed \$100 per lot to be paid by anyone who sub-divides property and conveys lots therefrom without first having recorded the plat of such subdivision as is herein provided. The provisions of this section shall apply

within the jurisdiction of the Commission as specified in Section 3.

Section 10. Zoning; Grant of Power. For the purpose of promoting the health, safety, morals, convenience, order, prosperity and general welfare of the County, the Commission is hereby empowered to divide the portion of the county within its zoning jurisdiction into districts of such number, shape and area as may be found best suited to carry out the purposes of this act, and to provide within such districts for standards relating to the use of the land and the types and kinds of structures that may be erected in such districts, excluding all buildings having a cost of under five hundred (500.00), and all home remodeling or modification in such districts. Such provision shall be made in accordance with a comprehensive plan and shall be designed to lessen congestion in the streets and highways; to secure safety from fire, flood, panic, and other dangers; to provide health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue mixed use of land; to facilitate the adequate provision of transportation, water supply, sewerage, schools, parks, and other public requirements. Such provision shall be made with reasonable consideration, among other things, of the character of the land and district and its peculiar suitability for particular uses and with a view of promoting desirable living conditions, sustaining the stability of neighborhoods, protecting property against blight and depreciation, securing economy in governmental expenditures, conserving the value of buildings; and encouraging the most appropriate use of land and of buildings and structures throughout the jurisdiction of the Commission. For the purpose of providing for the division of the territory into districts, consonant with the conditions provided in this section, the Commission may make a single zoning plan for all the territory of the area which lies within its jurisdiction or may make and certify separate and successive zoning plans for parts of such territory which it deems suitable for urban or suburban development or which for other reasons it deems to have appropriate territorial unity for a zoning plan; and correspondingly any zoning regulations enacted by the Commission may cover and include the whole territory lying within its jurisdiction or such territory as the commission deems to be appropriate territorial unit for a zoning plan.

Section 11. Publication of Notice of Proposed Change in Zoning Regulations. Once zoning regulations have become applicable to a beat as provided by Section 8 hereof, such regulations shall not be changed by the Commission until the proposed change has been published for three weeks in a newspaper of general circulation within the county together with a notice

stating the time and place that the change in regulations will be considered by the Commission, and stating further that at such time and place all persons who desire shall have an opportunity to be heard in favor of or in opposition to such change in such zoning regulations.

Section 12. Zoning Regulations Shall not be Retroactive. No zoning regulation adopted by the Commission shall change any use to which land is being made at the time such zoning regulations become applicable in any beat.

Section 13. Remedies. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, with the exception of those buildings or structures as excluded in Section 10, or any subdivision is established, or land used in violation of this enactment or of any regulation made under the authority conferred hereby, the county attorney, or other appropriate administrative officer of the Commission may institute any appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or subdivision of the land or use of the land to restrain, correct, or abate such violation, or to prevent the occupancy of any such building, structure, subdivision or land or to prevent any illegal act, conduct, business, or misuse in or upon any premises regulated under the authority conferred by this article.

Section 14. Exceptions to Zoning Regulations. The Commission may in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of the zoning regulations in harmony with its general purposes and interests and in accordance with general or specific rules adopted by the Commission. Anyone wishing to appeal from an existing zoning regulation may file a written petition stating the basis for such appeal whereupon the Commission shall fix a date for such hearing, giving notice as to the Commission may seem appropriate, and on such hearing the Commission shall have the following powers: (1) to hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Commission or official in the enforcement of this article of any regulation adopted pursuant thereto; (2) to hear and decide on requests for special exceptions to the term or provisions of the regulations upon which such Commission is required to pass; and (3) to authorize upon appeal in special cases such variance from the yard, open space, land use, bulk and height requirements of the regulation as will not be contrary to the public interest, where, owing to special conditions of the building site or land, a literal enforcement of the provisions of the regulation will result in unnecessary hard-

ship, all in order that the spirit of the regulations shall be observed and substantial justice done.

Section 15. Appeals. Any party aggrieved by any final judgment or decision of the Commission pursuant to the provisions of Section 14 may within 15 days thereafter appeal therefrom, which appeal shall rest upon the contention that such zoning regulations in question are unreasonable, discriminatory, unconstitutional, or otherwise invalid, and such appeal shall be addressed to the circuit court or other court having like jurisdiction within the county where the affected property of the aggrieved party is located, by filing with such Commission a written notice of appeal specifying the judgment or decision from which the appeal is taken. In case of such appeal the Commission shall cause a transcript of the proceedings in the cause to be certified to the court to which the appeal is taken.

Section 16. Severability. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 17. Effective Date. This Act shall become effective upon the first day of the calendar month immediately following its passage and approval by the Governor or its otherwise becoming a law.

Approved September 2, 1965.

Time: 5:46 P. M.

Act No. 817

H. 983—NeSmith

AN ACT

To amend Sections 2 and 4 of Act No. 228, S266, Regular Session 1963, an act establishing the court of county commissioners of Blount County.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 228, S. 266, Regular Session 1963 (Acts 1963, v. 1, p. 626), an act establishing the court of county commissioners of Blount County, is hereby amended to read as follows:

“Section 2. A county commissioner shall be elected by the qualified electors of each of the four districts into which the county is now divided by law, as follows: District No. 1, Beats 1, 19, 20, 23, 24, 25, 26, 29, 35, and 39; District No. 2, Beats 2, 4, 5, 6, 7, 17, 21 and 33; District No. 3, Beats 3, 8, 9, 10, 15, 18, 22, 28, 32, 37, 38; District No. 4, Beats 11, 12, 12½, 13, 14, 16, 27,

30, 31, 31-1, 34 and 36. A candidate for county commissioner must be a qualified elector and legal resident of the district he represents, and shall continue to reside therein during his continuance in office, Commissioners from Districts 1 and 3 shall be elected by the qualified electors of Districts 1 and 3 respectively, at the general election to be held in 1966, and every four years thereafter. Commissioners from Districts 2 and 4 shall be elected by the qualified electors of Districts 2 and 4 respectively, at the general election to be held in 1968, and every four years thereafter. The commissioners elected under the provisions of this Act shall hold office for terms of four years from the first Monday after the second Tuesday in January next succeeding their election, and until their successors are elected and qualified."

Section 2. Section 4 of said Act No. 228 of 1963 is hereby amended to read as follows:

"Section 4. Each commissioner elected under the provisions of this Act shall receive as compensation for the services rendered in his capacity as commissioner a salary of six thousand dollars (\$6,000) per annum, payable in equal monthly installments, plus mileage at the rate of seven cents (\$.07) per mile for each mile traveled on official county business, but the mileage provided herein shall not exceed fifty dollars (\$50.00) per month. A part of the commissioners' salaries may be paid out of the county gasoline tax revenues, provided that the part of such salaries so paid out of county gasoline tax revenues shall bear the same proportion to the total salary paid to such commissioner as the time devoted by such commissioner to supervising, inspecting, accepting, building, or repairing county roads and bridges bears to the total time devoted by such commissioner to all his duties as a member of the court of county commissioners. The court of county commissioners shall determine the proportion of such salaries to be paid out of county gasoline revenues. The judge of probate of Blount County shall be entitled to the compensation provided by law for judges of probate who serve as principal judge of courts of county commissioners."

Section 3. Section 1 of this Act shall take effect immediately; however, Section 2 of the Act shall become operative at the expiration of the term of office of the members of the court of county commissioners who were elected in the year 1964.

Approved September 1, 1965.

Time: 5:47 P. M.

AN ACT

To change the method of compensating certain officers of Baldwin County, placing such officers on a salary basis, and providing for the operation of their offices on such basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The following officers of Baldwin County shall be entitled to receive annual salaries in lieu of any fees, commissions, percentages, and allowances, except as herein otherwise provided:

The judge of probate shall receive an annual salary of \$12,000, which shall include his compensation for all ex officio duties.

The tax assessor shall receive an annual salary of \$12,000.

The tax collector shall receive an annual salary of \$12,000.

The sheriff shall receive an annual salary of \$12,000.

The clerk of the circuit court shall receive an annual salary of \$8,000, which shall include his compensation for all ex officio duties.

The register of the circuit court shall receive an annual salary of \$4,000.

The coroner shall receive an annual salary of \$1,200.

Section 2. The court of county commissioners, board of revenue, or other like governing body of Baldwin County, shall provide compensation for clerks, deputies, assistants, and secretaries for the officers enumerated in this Act in such number as may be reasonably necessary for the efficient conduct of their respective offices. Each of the officers enumerated in Section 1 of this Act shall select, discharge, and fix the salaries of his subordinates. However, the maximum allowances for clerk hire and salaries for assistants for each of such officers shall be as follows:

For the probate judge, the sum of \$26,000 per annum;

For the sheriff, the sum of \$40,000 per annum;

For the tax collector, the sum of \$10,000 per annum;

For the tax assessor, the sum of \$19,000 per annum;

For the clerk of the circuit court, the sum of \$7,000 per annum.

In addition, the probate judge, the tax assessor, and the tax collector shall each be entitled to ten cents per mile for each mile

traveled on their annual visits to precincts in October and November of each year as provided by law; also, the sheriff shall be entitled to the allowances payable by the state for feeding prisoners and also such mileage and expense allowances as may be payable according to law for returning or transferring prisoners and insane persons to or from points outside the county.

Total salary and clerk hire and pay for assistants shall not exceed total amount paid under present fee system.

Section 3. The fees, commissions, percentages, allowances, charges, and court costs heretofore collectible for the use of any of the officers named in Section 1 shall be collected hereafter for the use of the county and shall be paid into the general fund of the county. The compensation of the officers named in Section 1, and of their clerks, deputies, secretaries, and other assistants shall be paid in equal monthly installments from the general fund of the county.

Section 4. The court of county commissioners, board of revenue, or other like governing body of Baldwin County shall provide the officers named in this Act with the books, stationery, office equipment, supplies, postage, and other conveniences necessary for the proper and efficient conduct of the affairs of their respective offices; and shall allow the sheriff such an amount as may be necessary to pay the expenses of operating his office, including travel expenses.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This Act shall supersede Act No. 357, H. 707, Regular Session 1963 (Acts 1963, p. 857), and all other laws or parts of laws in conflict herewith.

Section 7. This Act shall take effect on the expiration of the current term of office of each of the officers who are affected thereby; and upon ratification of an amendment to the Constitution authorizing the legislature to change the method of compensating the officers named in this Act.

Approved September 2, 1965.

Time: 5:48 P. M.

Act No. 819

H. 1283—Moore, Slate, Brewer

AN ACT

To amend further Act No. 477, H. 861, Regular Session 1955 entitled "An Act to provide an additional expense allowance for the circuit judges

of the Eighth Judicial Circuit; and to provide for the manner of payment of this allowance" (Acts 1955, vol. II, p. 1084).

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 477, H. 861, Regular Session 1955 entitled "An Act to provide an additional expense allowance for the circuit judges of the Eighth Judicial Circuit; and to provide for the manner of payment of this allowance" (Acts 1955, vol. II, p. 1084) is amended to read as follows:

"Section 1. In addition to all other allowances and compensation provided circuit judges by law, there shall be paid to each circuit judge of the Eighth Judicial Circuit, in equal monthly installments, an allowance of three thousand dollars (\$3,000) per annum, for the purpose of defraying the expenses incurred by such judges in the performance of their official duties. The allowance provided for herein shall be paid from the general funds of the counties comprising the circuit, and shall be apportioned equally among such counties, so that each of the counties shall pay an equal amount of the prescribed allowance."

"Section 1a. In addition to all other allowances and compensation provided circuit solicitors by law, there shall be paid to the circuit solicitor of the Eighth Judicial Circuit, in equal monthly installments, an allowance of one thousand eight hundred dollars (\$1,800) per annum, for the purpose of defraying the expenses incurred by the judge in the performance of his official duties. The allowance provided for herein shall be paid from the general funds of the counties comprising the circuit, and shall be apportioned equally among such counties, so that each of the counties shall pay an equal amount of the prescribed allowance."

Section 2. This Act shall become effective October 1, 1965.

Approved September 2, 1965.

Time: 5:41 P. M.

Act No. 820

H. 350—Meade

AN ACT

Further regulating commercial fishing in public waters in Cherokee County, so as to prescribe limitations relating to the fishing gear to be used by licensed commercial fishermen.

Be It Enacted by the Legislature of Alabama:

Section 1. Any person engaged in the taking, killing or capturing of commercial or non-game fish from the public

impounded waters and navigable streams of Cherokee County may use in such commercial fishing operations such nets, set-lines, trotlines, snaglines and fish traps as may be in conformity with the rules and regulations promulgated by the director of conservation covering the same, who shall designate when, where and how same shall be used, provided that prior to using any of said nets, seines, traps or other commercial fishing devices, as herein specified, a person shall have first secured a license permitting the use of such fishing gear, such license to be issued in the manner prescribed by Act No. 784, H. 316, Regular Session 1953. Every individual fisherman licensed under this Act shall be limited or restricted to not more than five three-hundred-foot trammel nets or gill nets, or ten one-hundred fifty-foot trammel nets or gill nets, and eight slat baskets or boxes. And the size of hoop nets or barrel nets shall not be smaller than one and one quarter inches from knot to knot.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 2, 1965.

Time: 5:24 P. M.

Act No. 821

H. 1266—Locke, Bowers, Vacca, Sessions,
Gilmore, B. Bethea, Hawkins,
M. Bethea, Meeks

AN ACT

To authorize and regulate the fluoridation of water supplies in counties having a population of 400,000 according to the last or any succeeding federal census. To prescribe conditions for calling of a referendum.

Be it Enacted by the Legislature of Alabama:

Section 1. Any waterworks board, municipality, person or firm or corporation in counties having a population of 400,000 or more according to the last or any succeeding federal census, which furnishes or supplies water for human consumption or domestic use, whether to municipalities or other groups of persons, may add fluoride to the water so furnished, provided such water board, municipality, person, firm or corporation who furnishes or supplies such water complies with the provisions of this Act, and provided that:

(a) The governing body of the municipality owning or controlling the water system, or under which the water board has been appointed, has by ordinance duly authorized the fluoridation of such water supply. Such ordinance or the repeal thereof may be initiated by petition signed by the qualified voters under any provisions which may apply to such municipality.

(b) The state and local health authorities have approved the addition of fluoride and have: (1) established reasonable maximum and minimum limits of Fluoride, stated in parts per million, to be maintained in the water supply; (2) approved the type of chemical feeding equipment to be installed and used; (3) approved the installation of equipment, the plant lay-out and methods of handling the fluoride compound to assure the safety of employees; and (4) approved the method of analysis and control to be used in determining the fluoride content of water before and after the addition of fluoride.

(c) Provided further that upon the presentation of resolutions of approval by the water works board referred to in Section 1 (a) above and resolution of approval of the governing body of the municipality referred to in Section 1 (b) above to the probate judge of said county he shall call a referendum to be held throughout said county on the question "shall _____ fluoridate its drinking water?".

Said election shall be called and such question shall appear on the ballot at the next general election, but in no event sooner than sixty days after action by the water works board, and the governing body of the municipality, as set out above. Thirty days' notice of such election shall be given by publication once a week for four consecutive weeks in a newspaper of general circulation within said county and the cost of said notice and other incidental expenses relating to such referendum shall be borne by such person, firm or corporation furnishing and supplying such water. No fluoride shall be added unless a majority of the persons voting in said election vote in favor of adding fluoride.

Section 2. Any waterworks board, municipality, person, firm or corporation who furnishes or supplies water for human consumption or domestic use, whether to municipalities or other groups of persons, to which fluoride has been added must comply with all standards, rules and regulations of local and state health authorities relative to the fluoridation of water supplies.

Section 2½. The provision of this Act shall not apply to any waterworks board, municipality, person, firm or corporation who supply water for human consumption or domestic use if such waterworks board, municipality, person, firm or

corporation has added fluoride to its water supply prior to the effective date of this Act.

Section 3. When fluoride has been added to a water supply in conformity with the requirements of this Act no water-works Board, municipality, person, firm, or corporation shall be liable in damages for any loss or injury resulting from the addition of fluoride to the water supply; nor shall any municipality, person, firm or corporation who buys such water for resale be liable in damages for any loss or injury resulting from the addition of fluoride to the water so purchased.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 2, 1965.

Time: 5:49 P. M.

Act No. 822

H. 1256—Rogers, McDermott, Engel
AN ACT

Relating to counties having populations of not less than 300,000 nor more than 600,000 and to counties contiguous to any county having such population; providing for the control and abatement of arthropods in such counties; creating and establishing an Arthropod Control Board for each such county, and prescribing its powers and duties; providing for the qualifications, appointment, terms, and compensation of the members of such Boards and a director thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. For the purpose of controlling and abating the growth and spread of arthropods, there shall be an arthropod abatement district composed of each county in the State having a population of not less than 300,000 nor more than 600,000, according to the most recent federal decennial census, and of any county or counties contiguous thereto whose county governing body shall by resolution authorize such participation. As used in this Act, "arthropods" shall mean mosquitoes, household flies, mites, gnats, midges, ants, ticks, horseflies, black flies, fleas, and rodents.

Section 2. For the purpose of administering this Act, there is hereby created and established an Arthropod Control Board in each such county, which shall be subject to super-

vision and regulation by the county board of health of each respective county.

Section 3. The Arthropod Control Board in each county shall be composed of seven members. The county health officer in the county shall be a member and chairman ex officio. Six members shall be appointed as follows: One member shall be nominated from and by each of the following agencies or organizations in each respective county: (1) board of revenue, court of county commissioners, or other like county governing body; (2) city commission or other municipal governing body of the largest city in the county; (3) county municipal association or equivalent organization of organized municipalities; (4) county extension chairman, or county agricultural agent; (5) county wildlife and conservation organization; (6) a representative civic group, such as a chamber of commerce, which civic group shall be designated by the county governing body. The county board of health shall approve each member so nominated for appointment to the county Arthropod Control Board. The appointed members shall take office on October 1 next following their appointment, and shall each serve for a term of two years and until his successor has been appointed and qualified as provided herein. A vacancy shall be filled by the authority entitled to nominate such member as provided herein. Each appointed member shall be a resident and a qualified elector of the county, and shall maintain such residency during his continuance in office. No member shall receive any compensation for serving on the Board; provided, however, that each such Board may reimburse members for expenses incurred in the performance of duties relating to the Board if funds are available for such purpose.

Section 4. Each county Arthropod Control Board shall appoint a director, who shall administer the county arthropod abatement project and shall perform such duties as required of him by the Board. The director shall be secretary of the Board, and shall serve at the pleasure of the Board. The director shall receive such compensation or expense allowance as may be prescribed by resolution of the Board spread upon its minutes, provided funds are available for such purpose.

Section 5. Meetings of each county Arthropod Control Board shall be held at such times and place as determined and designated by the members thereof, and notice of each meeting shall be given by the secretary to each member of the Board. A majority of the members shall constitute a quorum for the transaction of business. The secretary shall keep a written record of the minutes of each meeting and of any other business conducted by the Board, which record shall be open to public inspection at all reasonable times.

Section 6. Each county Arthropod Control Board shall have authority: to organize, develop, and direct arthropod and garbage control in the county and to see that such control is carried out according to the public health laws, rules, and regulations of the State and of the county; to obtain public support of arthropod and garbage control measures; to prepare a budget for carrying out the Board's objectives; to develop and recommend methods for financing the projects herein set out; to receive and accept funds from all sources and to see that such funds are properly allocated and expended on the arthropod and garbage control projects; to coordinate and consult with other boards, commissions, agencies and organizations in the abatement district so as to avoid duplication of services or programs; to correlate its activities with any other county or counties in the abatement district; to merge the project activities of the counties under one director if necessary and appropriate in the best interest of the county or counties; to promulgate such rules and regulations necessary and appropriate to carry out the purposes and provisions of this Act.

Section 7. In each county, the county board of health shall: approve and appoint all persons nominated as members of the county Arthropod Control Board; see that the Arthropod Control Board operates according to the county and State public health laws, rules, and regulations; censor, if necessary, activities of the Arthropod Control Board if such activities do not give priority to public health or safety.

Section 8. In any county having an Arthropod Control Board, the county governing body and the governing body of any city or town in the county may appropriate funds not otherwise appropriated, for the use of the Board in carrying out the purposes and provisions of this Act.


Section 9. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. This Act shall not repeal or supersede any State or county public health law, rule, or regulation, but shall be cumulative thereto.

Section 11. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 2, 1965.

Time: 5:50 P. M.



Act No. 823

S. 138—Tyson

AN ACT

To provide further for the form of government of cities having populations of not less than 200,000 nor more than 300,000, according to the most recent federal decennial census, regulating the appointment and election, compensation, powers, duties, and authority of municipal officers and employees, and authorizing abandonment of the existing form of government and adoption of a mayor-council form of government.

Be It Enacted by the Legislature of Alabama:

CHAPTER 1.

Section 1. This Act shall apply to all cities having populations of not less than 200,000 nor more than 300,000, according to the most recent federal decennial census, which may now or hereafter operate under a commission form of government.

CHAPTER 2.

Section 2. The three commissioners of such city, when sitting as a board and acting within their official capacity, shall have, possess and exercise for, and in the name of and on behalf of the city all municipal powers, legislative, executive and judicial, possessed and exercised by city governing bodies and the chief executive officers thereof under the general law, except that they shall not exercise the jurisdiction of recorders. However, the city's administrative functions shall be distributed by the board of commissioners among three departments, as follows: A department of finance and administration; a department of public safety; and a department of public works and services. The commissioner holding place number one, subject to the authority of the board of commissioners, shall be charged with the duty and responsibility of directing and supervising the department of finance and administration. The commissioner holding place number two, subject to the authority of the board of commissioners, shall be charged with the duty and responsibility of directing and supervising the department of public safety. The commissioner holding place number three, subject to the authority of the board of commissioners, shall be charged with the duty and responsibility of supervising the department of public works and services. Any function, responsibility or operation of the city not assigned by the commissioners or by act of law to one of the above named departments, shall be under the direction and supervision of the board of commissioners as a whole.

Section 3. The board of commissioners of the city shall have the power and authority to select and employ all sub-

ordinate officers and employees of the city, to assign their duties, to fix their salaries or compensation, and to dismiss or remove any employee, subject to the provisions of any civil service or merit system law applicable to the city.

Section 4. The person holding the position of place number one on the board of commissioners shall be the presiding officer of the board of commissioners and shall act as mayor of the city for the first sixteen months of his term. During the next sixteen months the person holding the position of place number two on the board shall be the presiding officer of the board and shall act as mayor, and for the final sixteen months of the term the person holding the position of place number three on the board shall be the presiding officer thereof and act as mayor. Any commissioner who desires not to serve as presiding officer and to act as mayor may decline to do so. In the event a commissioner declines to serve as presiding officer of the board and to act as mayor, the board shall elect one of the other members thereof to serve as presiding officer and to act as mayor.

CHAPTER 3.

Section 5. The legally qualified voters of any municipality to which this Act is applicable may adopt the mayor-council form of government set forth below upon petition and referendum as hereinafter provided. The procedure for abandonment of the existing form of government of the city and the method prescribed in this Act for changing the form of government of any such city are exclusive and no other procedure or method shall be followed in any such city.

Section 6. Upon petition signed by fifteen percent or more of the qualified voters of the municipality, such petition to be addressed to the judge of probate of the county in which the municipality is situated, an election shall be held on the question of the adoption of the mayor-council form of government provided in this Act. The petition must show the name of the voter, the date on which he signed the petition, the precinct, ward or beat in which he is qualified to vote, and the address of his residence.

Section 7. The judge of probate shall examine the petition and if he determines that the petition is signed by at least fifteen percent of the qualified voters of the municipality as provided in Section 6 he shall certify such fact to the governing body of the city, and such governing body shall call for an election to be held on the same day as the next general, special, primary, or municipal election which is to be held in the municipality, if such an election is to be held

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within 180 days after the filing of the petition, and if an election is not to be held within that time, a special election shall be called within such time. The question of adoption of a mayor-council form of government shall be submitted to the voters in the same manner as other public questions to be voted upon by the voters of a single municipality. The question appearing on the ballot shall be substantially as follows:

"Shall the existing form of government for the city of _____ be abandoned and the mayor-council form of government as provided for in acts applicable to said city be adopted?"

"Yes _____"

"No _____."

The voter shall mark his ballot with a cross mark, indicating an affirmative or a negative vote. No other proposition shall be submitted by the city to the voters of any such city upon this ballot. If voting machines are used at any voting place in the election, the above proposition may, at the discretion of the governing body of the city, be submitted as a separate proposition on voting machines so used.

Section 8. No petition for submission of the question of adopting the mayor-council form of government pursuant to this Act may be circulated or filed before April 1, 1968, nor shall any such petition be filed within two years after any other petition under this Act has been duly filed. Upon delivery to the probate judge of any such petition, such document or documents shall become public property and shall not be returned to those submitting it or them.

Section 9. Whenever the legally qualified voters of any municipality to which this Act applies, by majority vote of those voting on the question, vote in favor of adopting a change in the form of government under this Act, the officers herein provided for such form of government shall be elected and the plan of government shall become effective as hereinafter provided. If the majority of all votes cast in the election shall be in favor of adoption of the mayor-council form of government, or the retention of the existing form of government, then such form of government shall be adopted or retained as the case may be by such city, and the canvassing board or official shall transmit to the governor, to the secretary of state, to the judge of probate of the county, and to the chief executive officer of the city, a certificate stating that such proposition was adopted, or rejected as the case may be, by such city.

Section 10. The Alternate form of government provided

in this Act shall be known as the "Mayor-Council Plan" and shall apply to any municipality the voters of which have adopted it pursuant to this Act. The Mayor-Council Plan of government for any city to which this Act applies cannot be adopted except in accordance with this Act.

Section 11. Each municipality operating under this chapter shall be governed by an elected council, an elected mayor, and such other officers and employees as may be duly appointed pursuant to law or ordinance.

Section 12. The council shall consist of seven members, in numbered places from one through seven, who shall be elected at large by the voters of the municipality; and the members of the council shall be elected at a regular municipal election to be held every four years on the second Tuesday in August. Each councilman shall have been a citizen and resident of the municipality at least two years next preceding his election, and a qualified elector of the city at the time of his election and during his continuance in office. The election of councilmen shall be held and conducted under general laws fixing the times for holding and regulating the conduct of municipal mayor-council elections; provided, however, that the regular municipal election year for any such municipality shall continue to be calculated on the same schedule as shall be in effect at the time the mayor-council plan is adopted.

Section 13. Members of the council shall serve for a term of four years, beginning at twelve o'clock noon on the first Monday of October next following their election, and until their successors are elected and qualified. Vacancies shall be filled for the remainder of the unexpired term by special election in accord with the provisions of Act No. 663, Regular Session 1961, provided, that such special election shall be called and held not more than 120 days following the commencement of such vacancy. Councilmen shall be entitled to a compensation of \$4,800 per annum each, payable in installments as the salaries of other municipal officers are paid. At its organizational meeting, the council shall elect a president of council and a president pro tempore from among their own number. The president of the council and president pro tempore shall have the right to vote on all questions the same as any other members of the council.

Section 14. All legislative powers and other powers granted to cities and towns shall be exercised by the council, except those powers conferred on some officer by law or ordinance, and except as may otherwise be provided by this Act or by other general laws.

Section 15. The council, in addition to such other powers and duties as may be conferred upon it by this Act or otherwise by law, may:

(a) Consider and approve or decline to approve nominations for appointments to be made by the mayor;

(b) Require any municipal officer, in its discretion, to prepare and submit sworn statements regarding his official duties and the performance thereof, and otherwise to investigate the conduct of any department, office, or agency of the municipal government;

(c) Remove any municipal officer, other than the mayor or a member of council, for cause, upon notice and opportunity to be heard.

Section 16. The council shall appoint a municipal clerk, who shall serve as clerk of the council, keep its minutes and records of its proceedings, maintain and compile its ordinances and resolutions, and perform such other functions as may be required by law for municipal clerks generally. The municipal clerk shall, prior to his appointment, have been qualified by training or experience to perform the duties of the office.

Section 17. The executive power of the municipality shall be exercised by the mayor. The mayor shall be elected by the qualified voters of the municipality at the regular municipal election to be held every four years on the second Tuesday in August, and shall serve for a term of four years beginning at twelve o'clock noon on the first Monday in October following his election. The mayor shall be entitled to compensation at the rate of eighteen thousand dollars per annum, payable in installments as the salaries of other municipal officers are paid.

Section 18. The mayor shall enforce the ordinances of the municipality and all laws applicable thereto. He shall annually address the council on the condition and requirements of the municipal government and shall from time to time make any such recommendations for action by the council as he may deem in the public interest. He shall supervise all of the departments of the municipal government and shall require each department to make an annual and such other reports of its work as he may deem desirable.

Section 19. (a) The mayor shall nominate and appoint, with the advice and consent of the council, the judge of the municipal court, or recorder (unless otherwise provided by statute), and the department heads of the municipality other than the municipal clerk. Provided, that the appointment of city officers and employees other than city attorneys and recorders shall be made subject to the provisions of such merit or civil service system law as may be applicable to such municipality.

(b) Ordinances adopted by the council shall be submitted

to the mayor, and he shall within ten days after receiving any ordinance, either approve the ordinance by affixing his signature thereto or return it to the council, by delivering it to the municipal clerk, together with a statement setting forth his objections thereto or to any item or part thereof. No ordinances or any item or part thereof shall take effect without the mayor's approval, unless the mayor fails to return an ordinance to council within ten days after it has been presented to him, or unless council upon reconsideration thereof at the next regular council meeting following its return by the mayor shall by a vote of five members resolve to override the mayor's vote.

Section 20. In case of the absence of the mayor or his inability to serve on account of sickness or any other good reason, the president of the council, or the president pro tempore of the council in case of absence or disability of the president of the council, shall act as mayor pro tempore with the power and authority of the mayor during such time. In the event of a failure or refusal of the president of the council or the president pro tempore of the council to act, the council may appoint one of its members to act as mayor pro tempore with like effect, which appointment shall be entered in the minutes of the council. In the event of a vacancy, from any cause, in the office of mayor, the president of the council shall succeed to the office of mayor for the unexpired term; and in the event of a vacancy in the office of the president of the council, the president pro tempore shall, in like manner, be president of the council for the unexpired term; in the event of a vacancy in the office of the president pro tempore, the office shall be filled from the membership of the council.

Section 21. The municipal budget shall be prepared by the mayor. During the month of August, the mayor shall require all department heads to submit requests for appropriations for the ensuing budget year, and to appear before the mayor or his designated representative at public hearings, which shall be held in that month, on the various requests.

Section 22. On or before the fifteenth day of September the mayor shall submit to council his recommended budget together with such explanatory comment or statement as he may deem desirable. The budget shall be in such form as may be prescribed by the council, and shall in addition have appended thereto a detailed analysis of the various items of expenditure and revenue. Council may increase or reduce any item or items in the mayor's budget by a vote of a majority of the council. The budget shall become effective on the ensuing first day of October.

Section 23. The council shall where practicable provide for

the maintenance of a system of quarterly allotments for the operation of the budget. It shall be the duty of the officer or department administering any function of the municipality to report to the mayor such financial statistics as the mayor may require in the formulation of the budget.

Section 24. The council shall provide by ordinance for the exercise of a control function, in the management of the finances of the municipality by some officer other than the mayor. The control function shall include provision for an encumbrance system of budget operation, for expenditures only upon written requisition, for the pre-audit of all claims and demands against the municipality prior to payment, and for the control of all payments out of any public funds by individual warrants for each payment to the official having custody thereof.

CHAPTER 4.

Section 25. A Schedule of the installation of the mayor-council form of government adopted pursuant to this Act shall, as provided herein, take the following course:

(a) An election on the question of adoption of the mayor-council form of government may be held at any time subject to and in accordance with the provisions of Chapter 3;

(b) If the mayor-council plan is adopted at such election, the first officers to be elected under such adopted plan shall be elected at the next regular municipal election previously scheduled for such municipality and the terms of the persons then serving as members of the board of commissioners of any such city shall not be abbreviated as the result of the adoption of the mayor-council form of government.

(c) The expense of all elections held hereunder shall be paid by the municipality conducting such elections.

Section 26. Upon the effective date of the mayor-council form of government adopted under this Act, the provisions of this Act pertaining thereto shall become applicable to such municipality, and the existing form of government for such municipality shall be abolished. All ordinances and resolutions of the municipality to the extent that they are not inconsistent with the provisions of his Act shall remain in full force and effect until modified or repealed as provided by law. All officers and employees of any municipality adopting a mayor-council plan pursuant to this Act, except those whose terms of office are abolished by the adoption of such plan, shall continue in office until otherwise provided by proper authority.

Section 27. All actions and proceedings of a legislative, executive, or judicial character which are pending upon the effective

date of a mayor-council plan adopted pursuant to this Act may continue, and the appropriate officer or employee under such mayor-council plan shall be substituted for the officer or employee theretofore exercising or discharging the function, power, or duty involved in such action or proceeding.

Section 28. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 29. All laws or parts of laws which conflict with this Act are repealed.

Section 30. Chapter 2 of this Act shall become effective on the first Monday in October, 1969, and the remaining parts of this Act shall take effect October 4, 1965.

Approved September 2, 1965.

Time: 5:52 P. M.

Act No. 824

S. 188—Tyson

AN ACT

To amend further Act No. 345, H. 291, Regular Session 1955, which creates domestic relations division of the circuit courts of counties having populations of not less than 225,000 nor more than 500,000 Acts 1955, v. 2, p. 783.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 345, H. 291, Regular Session 1955, an act creating domestic relations divisions of the circuit courts in counties having populations of not less than 225,000 nor more than 500,000 (Acts 1955, v. 2, p. 783) as amended is amended further to read as follows:

"Section 1. A domestic relations division of the circuit court is hereby established in every county in the State having a population of not less than 225,000 nor more than 500,000 inhabitants, according to the last or any subsequent federal decennial census. The domestic relations division of the circuit court shall, as its primary function, handle all cases in such county involving divorce, the annulment of marriages, the custody of children. The presiding judge of the circuit court of such county shall assign all such cases which originate in the circuit court to the domestic relations division thereof, provided, that the presiding judge may, in his discretion, for the purpose of relieving an overloaded docket in the domestic relations division, assign or re-assign a portion of such cases to other judges of the circuit court and provided further that the judge of the domestic

relations division may, in his discretion recuse himself from the handling of any such case or cases for any reason, in which event the presiding judge shall assign or re-assign such case or cases to other judges of the circuit court.

Section 2. Section 4 is further amended to read as follows:

"Section 4 (d) An accounts department ought to be and hereby is established for receiving, keeping and paying out all alimony or support payments arising out of this court and the juvenile court, whether for adults or children, whether temporary or permanent, and upon the receiving of said alimony or support payments the accounts clerk shall assess a fee of one and one-half ($1\frac{1}{2}$) percent, said fee of one and one-half ($1\frac{1}{2}$) percent to be paid by the payor unless otherwise directed by the court. All said fees shall be paid into the office of the county treasurer as soon as practicable after the close of business each month. Said clerk and records shall be subject to audit by the examiners of accounts of the State of Alabama. Said accounts clerk shall keep a separate record of all such receipts and disbursements in each case, and shall further be responsible for keeping records of said payments cumulatively but shall not be responsible for retaining records of such receipts and disbursements in each case for a period longer than one year after an audit by the said examiners of accounts.

Section 3. Section 4 is further amended by adding subsection (h) as follows:

"Section 4 (h) The administration of the accounts department and the personnel therein shall be supervised by the deputy register heretofore authorized under this act.

"Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

"Section 6. All laws or parts of laws which conflict with this Act are repealed."

Approved September 2, 1965.

Time: 5:53 P. M.

Act No. 825

S. 403—Hammond

AN ACT

Relating to counties having a population of not less than 38,000 nor more than 45,000; providing for the payment of an expense allowance to the county Solicitor in any such county.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other compensation and allowances provided by law, the Solicitor of any county having a population of not less than 38,000 nor more than 45,000, according to the last or any subsequent federal decennial census, shall receive an expense allowance of one hundred and 00/100 dollars (\$100.00) per month, payable out of the county treasury, upon his warrant drawn upon the county treasury or other proper custodian.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 2, 1965.

Time: 5:54 P. M.

Act No. 826

S. 405—Hawkins

AN ACT

Relating to admissibility of evidence in civil actions in the courts of all counties having populations of not less than 65,000 nor more than 106,000, according to the most recent federal decennial census; to require persons taking or having possession of written statements with respect to accidents or injuries relative to which civil actions may be filed in the courts of such counties to furnish copies thereof to the person making such statements and prescribing the effect of failure to furnish copies in accordance with the provisions of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Every person who shall take a written statement by any injured person with respect to any accident or with respect to any injury to person or property, if a civil action for damages growing out of such accident or injury may be brought in any county in this state having a population of not less than 65,000 nor more than 106,000 according to the most recent federal decennial census, shall, at the time of taking such statement, furnish to the person making such statement a true and complete copy thereof. Any person having taken, or having possession of any written statement or a copy of such statement, by any injured person with respect to any such accident or with respect to any such injury to person or property shall, at the request of the person who made such statement or his personal representative, furnish the person who made such statement or his personal representative a true and complete copy thereof. No such written statement by an injured person shall be admissible in evidence or otherwise used in any manner in any civil action relating to the subject matter thereof in any court in a

county having a population of not less than 65,000 nor more than 106,000 according to the most recent federal decennial census unless it shall be shown that a true and complete copy thereof was furnished to the person making such statement at the time of the making thereof, or, if it shall be shown that thereafter a person having possession of such statement refused, upon request of the person who made the statement or his personal representative, to furnish him a true and complete copy thereof.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 2, 1965.

Time: 5:55 P. M.

Act No. 827

S. 435—Hammond

AN ACT

Relating to irrigation and water conservation; providing for the incorporation of an agency as a public body corporate and instrumentality of the state for the promotion and development of one or more irrigation districts in the State of Alabama; prescribing its authority, powers, duties, functions, and management, authorizing the agency to issue bonds, and the counties and municipalities within the irrigation district or districts to contribute funds and levy taxes for its use.

Be It Enacted by the Legislature of Alabama:

Section 1. In the interest of water conservation and land irrigation in that portion of Alabama known as the State of Alabama and for purposes of cooperation with any water authority or agency or any river area development authority or agency heretofore or hereafter created, there is hereby authorized and shall be established as hereinafter provided a state development agency constituting an irrigation district or districts for the State of Alabama of Alabama. The agency, when incorporated in accordance herewith, shall be an instrumentality of the state of Alabama.

Section 2. The organization and establishment of the agency shall be as follows:

(a) The court of county commissioner or other like county

governing body of any county or counties lying within the State of Alabama which may elect to come within the provisions of this Act shall indicate its desire to participate therein by the adoption of an appropriate resolution declaring the need for the incorporation of a water conservation and irrigation agency stating its intention to give financial assistance to projects of such agency, and stating its desire to become a part thereof.

(b) Membership of the corporation shall consist of title holders to the land irrigated or proposed to be irrigated within the boundaries of the irrigation district or districts to be established and such member water users shall elect by majority vote a board of directors to be composed of nine members. Members of the board of directors shall be selected from persons residing in and holding title to lands located within the irrigation district or districts or areas proposed for irrigation, and who are persons active in municipal, industrial, agricultural, commercial or citizen organizations engaged in promoting comprehensive and unified development of the resources of the State of Alabama as a basis for its general economic growth. Three such members shall be elected for terms of two years, three for terms of four years, and three for terms of six years. Thereafter all members shall be elected for terms of six years, but in all events such members shall continue in office until their successors are elected and qualified. Vacancies occurring on the board shall be filled in the same manner as the original appointments. Board members shall be eligible to succeed themselves.

Section 3. To become a corporation, members of the board of directors of the agency shall present to the Secretary of State an application signed by them which shall state: (1) the name, official designation, and official residence of each of the applicants together with a certified copy of the resolution, order, or commission evidencing his right to office; (2) the term of office of each of the applicants; (3) the name of the proposed corporation; (4) the location of the principal office of the proposed corporation; and (5) any other matter relating to the incorporation which the applicants may choose to insert and which is not inconsistent with this Act or the laws of the State of Alabama. The application shall be subscribed and sworn to by each of the applicants before an officer authorized by the laws of this state to take acknowledgements to deeds. If the Secretary of State, upon examination of the application presented to him, finds that it substantially complies with the requirements of this section, he shall receive and file said application and record it in an appropriate book of records in his office. When the application has been made, filed and recorded as herein provided, the applicants shall con-

stitute a corporation under the name proposed in the application, and the Secretary of State shall make and issue to the applicants a certificate of incorporation pursuant to this Act, and shall record the certificate with the application. There shall be no fees paid to the Secretary of State for any work done in connection with the incorporation herein provided for.

Section 4. Upon completion of the membership of the board of directors and incorporation as provided herein, the board members shall meet in an organizational session at the place of its main office and elect a chairman, vice-chairman, a secretary and a treasurer, but the office of secretary and treasurer may be held by the same person. The board shall set a regular time and place for its meetings, and a majority of its members shall constitute a quorum for the transaction of its business. All proceedings of the board shall be reduced to writing by the secretary of the corporation and recorded in a well bound book. Copies of such proceedings, when certified by the secretary of the corporation, shall be received in all courts as evidence of the matters and things therein certified. All powers of the corporation shall be exercised by the board of directors or pursuant to its authority, and no county governing body shall have any power or authority over the board of directors.

Members of the board shall serve without compensation except reimbursement for actual traveling expenses and other necessary expenses incurred in their official duties, such expenses to be reimbursed from such funds as may be made available to the agency.

Section 5. The corporation organized and established under this Act shall have the following powers, subject only to the limitations described hereinafter:

a. to adopt by-laws for the regulation of its affairs and the conduct of its business;

b. to adopt, use and alter a corporate seal which shall be judicially noticed;

c. to maintain a principal office at a place named in its papers of incorporation and a sub-office or sub-officers at such places as it may deem necessary;

d. to enter into such contracts, and cooperative agreements with federal, state, and local governments, with agencies of such governments, with private individuals, corporations, and associations, and other organizations to do any act necessary or incidental to the performance of its duties and execution of its powers under this Act;

e. to sue and be sued in its own name;

f. to enter into agreements with the United States government or its agencies or political sub-divisions thereof, municipalities, and public corporations concerning the sale and use of the water impounded by the United States government, management of the project, collection of charges for water issued to users, and repayment costs of the project construction costs;

g. to acquire, hold, and dispose of real and personal property or any interests therein;

h. to provide a water supply by impounding a stream or by development and use of wells by either construction, lease, or purchase;

i. to develop and operate an irrigation project, including the facilities necessary thereto, either by construction, lease, or purchase;

j. to provide for the control of floods by impounding surplus water or by other means to the extent that such work is economically feasible and desirable and not opposed to the need of water for irrigation;

k. to provide for multiple purpose developments where such are feasible and not in conflict with need of water for irrigation use, including developments for water power and water for municipal and industrial uses;

l. to establish rates for water sold to irrigators, municipalities, industries, and other customers, and authorize collections therefor, such rates to be determined on the basis of the revenue required to operate and maintain the development and for amortization of bonded indebtedness; or for repayment to the United States Government the costs of the project when built and constructed with federal funds.

m. to tax or assess the water user members' land for water charges which include operation and maintenance annual costs and annual construction costs, which tax or assessment shall be equally prorated on the amount of water used and acreage irrigated or scheduled for irrigation within the irrigation district;

n. to use such means as are necessary to control soil erosion and silt wherever project facility or repayment of construction cost is endangered;

o. to refuse to deliver water to any water user member when delinquent in his project account, or who refuses or

fails to comply with rules and regulations of the irrigation project;

p. to issue revenue bonds and refunding bonds;

q. to exercise the right of eminent domain in the manner provided in Title 19, Code of Alabama 1940, as amended; Nothing in this Act shall be construed to authorize the acquisition by eminent domain of any real property or rights owned or controlled by railroads or utilities, both public and private.

r. to accept gifts from any source whatsoever.

Section 6. Before any construction work on any project may be undertaken by any corporation created under the terms of this Act, said corporation shall apply to the director of the state department of conservation for a permit authorizing the proposed development. The corporation shall furnish with the application for permit the following information: preliminary plans consisting of maps, plats, plans and drawings, showing the general features of the development or developments it proposes to make, with amount of water which will be required as related to the naturally available supply, the land areas, and, if a multiple purpose project, the other clients which will benefit from the development, and such other details as may be needed to make clear the extent and scope of the project. The said director shall make or have made a study of the water needs of the project as compared to the available supply and as related to the existing or anticipated needs of other water users in the basin who may be affected by the proposed development, making use of such studies or open public hearings as may, in his judgment, be required. Based on his findings, authority to develop as proposed or as modified for the purpose of protecting and conserving water supplies for others shall be granted. It shall further be the duty of the said director to systematically check into the construction and operation of projects for which permits have been granted to ascertain if the corporation is complying with the terms and conditions of the permit. In the event the corporation is found not to be complying with the terms and conditions of the permit issued by said director, said director forthwith shall notify the corporation in writing in what manner the terms are being violated and said corporation shall have thirty days after receipt of said notice to rectify or correct whatever violations are being committed. In the event corrections are not made at the end of the thirty day period or any extension of time which the said director shall have the authority to give, the director shall make application in proper form to the circuit court in the county or counties in which such violation is located for a court order making mandatory the correction which he deems necessary.

Section 7. In the event that a State agency other than the state department of conservation may hereafter be charged with such responsibility as is in this Act charged to the state department of conservation, the terms "director", "said director" or "director of the state department of conservation" wherever used in this Act shall be construed to mean the executive head of the state agency so charged. Provided further, that in the event that any other state officer shall have been appointed and charged with the specific duty of assisting in formulating plans for the establishment of irrigation districts prior to their incorporation and with the supervision of all work and efforts in connection therewith, such officer shall assist in the preparation of the preliminary plans required to be submitted in Section 6 of this Act.

Section 8. All contracts for construction work and purchases of materials shall be awarded on the basis of competitive bids. Before construction is started on any project, the corporation shall advertise for sealed bids once each week for three consecutive weeks in a newspaper of general circulation in the county in which the project or undertaking is to be located and in such other publications as it may deem advisable. Such notices shall state that plans and specifications for the project are on file in the office of the corporation, and the time and place for receiving and opening bids. All bids shall be opened publicly at the advertised time and place.

The contract shall be awarded to the lowest responsible bidder complying with the conditions of the invitations for bids unless the bid is found by the corporation to be unreasonable or not to the best interests of the corporation to accept it. The bidder to whom the award is made shall be notified by telegram or letter at the earliest possible date. Should the successful bidder fail or refuse to sign the contract or make bond, the corporation may award the contract to the second lowest responsible bidder and upon the failure or refusal of the second lowest bidder to sign the contract or make bond, the corporation may award the contract to the third lowest responsible bidder.

If no bids are received at the time stated in the advertisement for bids or if the corporation finds that bids received are unreasonable and not to its best interest, the corporation may advertise for and seek other competitive bids or it may direct that the work shall be done by negotiated contract under its direction and control. On any construction project done by negotiated contract, the corporation shall file plans and specifications and an itemized estimate of cost with the department of examiners of public accounts. Upon completion of the project by the corporation, the final total

cost, together with an itemized list of cost of any and all changes made in the original plans, shall be submitted to the department of examiners of public accounts for its permanent record. This section shall not apply to routine maintenance or repair jobs done by maintenance men in the regular employ of the corporation.

Section 9. The corporation is hereby authorized to provide by resolution for issuance of its bonds from time to time in an amount not to exceed \$_____ for any of its corporate purposes, including the refunding of its bonds. Such bonds may be used for paying in whole or in part the cost of the acquisition of necessary land or interests therein and the development of the resources of the area for purposes of irrigation and water conservation, and expenses incidental thereto. It may secure such bonds by a pledge of all or any of the revenues which may now or hereafter come to the agency from any source, by a mortgage or deed of trust of the agency's land or any part thereof, or by a combination of the two, and it may make such contracts in the issuance of its bonds as may seem necessary or desirable to assure their marketability.

No bond or other obligation of the corporation shall be deemed to be the obligation of or claim against the state or any county or municipality therein.

Section 10. The counties and municipalities located within the boundaries of the irrigation district or districts to be established by the provisions of this Act are hereby authorized and empowered to contribute to the work of the agency any amount or amounts of money that their respective governing bodies, acting in their sole discretion shall approve to be paid from the general fund of the respective counties or municipalities. Governing bodies of such counties or municipalities are hereby empowered to levy and collect ad valorem taxes within constitutional limits for such purposes which are hereby declared to be for municipal and county public purposes.

Section 11. The board of directors of the agency shall report annually to the Governor of the State of Alabama and shall likewise report annually to the examiner of public accounts, to the director of the state conservation department, and to the governing bodies of the counties and of the incorporated municipalities located within the established boundaries of the irrigation district or districts coming within the provisions of this Act.

Section 12. All agencies of the State of Alabama are hereby authorized and directed to extend their cooperation and lend

assistance to the agency in the formulation and implementation of a development program for irrigation and water conservation.

Section 13. No officer of the corporation shall have any interest, directly or indirectly, in any contract awarded or to be awarded, or in the profit to be derived therefrom. Any violation of this section shall constitute a misdemeanor, and upon conviction shall work a forfeiture of office and shall be punishable by a fine not exceeding five hundred dollars (500.00), or by imprisonment in the county jail not exceeding six months or by both fine and imprisonment.

Section 14. This Act shall be considered supplemental and additional to Act No. 539, H. 62, Regular Session 1955, now incorporated in Chapter 23, Title 12, Alabama Code, Recompiled 1958, and to any and all other laws, and confers sufficient authority in and of itself for the purposes set forth herein. It shall be liberally construed to effectuate its purposes of providing for and facilitating the development of an irrigation district or districts within this state.

Section 15. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 16. All laws or parts of laws which conflict with this Act are repealed.

Section 17. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 2, 1965.

Time: 5:56 P. M.

Act No. 828

S. 436—Hammond

AN ACT

To create the office of director of irrigation in the state department of conservation; providing for the qualifications, appointment, term, duties, and compensation of such director.

Be It Enacted by the Legislature of Alabama:

Section 1. There shall be established in the state department of conservation, the office of the director of irrigation. The director shall be a person knowledgeable in the field of conservation and experienced in reclamation and irrigation work. The governor shall appoint such director from a list of qualified nominees one of whom shall be nominated by

the Water Resources Research Institute, one by the Water Improvement Commission, and one by the state geologist. The director shall serve for a term of four years from the day after his appointment, and until his successor is appointed and qualified; and he shall be directly responsible to the Governor. The salary of such director shall be \$12,000 per annum to be paid in twelve equal monthly installments out of any funds made available to the conservation department.

Section 2. It shall be the duty of the director of irrigation to work with and assist any irrigation district established or proposed to be established pursuant to any laws of this state. Such director shall assist in formulating plans for the establishment of such districts prior to their incorporation, shall supervise all work and efforts in connection therewith, and shall exercise general supervision wherever state interests or conflicts arise with respect to state programs of irrigation and water conservation.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 2, 1965.

Time: 5:57 P. M.

Act No. 829

S. 98—Evans

AN ACT

To authorize county governing bodies to expend funds to furnish office space, equipment, supplies and clerical assistance for boards of registrars, and validating and confirming like expenditures heretofore made.

Be It Enacted by the Legislature of Alabama:

Section 1. The county board of revenue, court of county commissioners or like governing body of all counties in this state are authorized to expend funds from the general funds of the county to provide office space, telephone service, equipment, supplies and clerical assistance, including one or more fulltime clerks, for the boards of registrars of the various counties.

Section 2. The board of registrars shall employ the persons

for clerical work but the compensation shall be set by the county governing body. Persons performing clerical work for the board of registrars shall not be subject to any civil service or similar employment act which may apply to any county.

Section 3. The provisions of this Act are cumulative and shall not be construed to repeal or supersede any laws not inconsistent herewith.

Section 4. All expenditures of county funds for any purpose described in Section 1 made by any county governing body after enactment of Act No. 253, First Special Session 1964, are hereby ratified, validated and confirmed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 2, 1965.

Time: 5:51 P. M.

Act No. 830

S. 494—Taylor

AN ACT

To make it unlawful for minors to attempt to purchase, to purchase, consume, possess or transport alcohol, liquor or malt or brewed beverages; to provide penalties for violations.

Be It Enacted by the Legislature of Alabama:

Section 1. It shall be unlawful for a person less than twenty-one (21) years of age to attempt to purchase, to purchase, consume, possess or to transport any alcohol, liquor or malt or brewed beverages within the State of Alabama. Anything contained herein to the contrary notwithstanding; it shall not be unlawful for a minor employee of an Alcoholic Beverage Control Board off premise Licensee to handle, transport, or sell any malt or brewed beverage if such minor is acting within the line and scope of his employment while so acting.

Section 2. Whoever violates this Act shall be fined not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100) or imprisoned in the county jail for not more than thirty (30) days or both fined and imprisoned.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 2, 1965.

Time: 5:59 P. M.

Act No. 831

S. 504—Tyson

AN ACT

Relating to all counties having populations of not less than 150,000, according to the most recent federal decennial census; further regulating the Plumbers Examining Board in establishing the competency of plumbers; and further amending Section 5, as last amended, and Section 7, as last amended, of General Act No. 529, General Laws of Alabama, approved September 2, 1949 (Acts of Alabama, 1949, p. 827, Et Seq.).

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 5, as last amended, of Act No. 529, General Laws of Alabama, approved September 2, 1949 (1949 Acts, p. 827, Et Seq.) is hereby further amended to read as follows:

“Section 5. COMPENSATION AND EXPENSES OF PLUMBERS EXAMINING BOARD. Each member of the Plumbers Examining Board shall receive as compensation for his services the sum of twenty-five dollars (\$25) per day for each day necessarily spent in active service. In addition to such per diem compensation each member shall be reimbursed for his necessary expenses incurred in the performance of his duties as a member of the Board. The expenses allowable to each member of the Board shall not exceed twenty-five dollars (\$25) per day, including travel and hotel expenses. No member of the Board shall receive compensation for more than sixteen (16) days in any one calendar year, nor shall any member of the Board receive the per diem expense allowance, hereinabove provided, for more than sixteen (16) days in any one calendar year.

The compensation of the secretary-treasurer of the Board shall be fixed by the Board at a rate not exceeding thirty-six hundred dollars (\$3600.00) per annum, payable in monthly installments.

Any employee of the Board, when traveling on official business for the Board, shall be entitled to be reimbursed for actual expenses incurred, including hotel and traveling expenses, not exceeding twenty-five dollars (\$25) per day; provided, however, the total amount of such expenses for all employees of the Board shall not exceed forty-eight hundred dollars (\$4800.00) in any calendar year.

The Board shall have the authority to employ any legal, stenographic or clerical help when and if the same may be

needed, and to purchase necessary office supplies. The Board may also employ inspectors or enforcement officers, for full-time or part-time duty, provided no person shall be employed as an inspector or enforcement officer who is engaged in or connected with the plumbing industry or the installation of plumbing nor connected with any person, firm or corporation handling or dealing in appliances connected with plumbing.

The compensation and expense provided for in this section, and all other authorized expenses, shall be payable solely from fees collected by or on behalf of the Board. In no event shall any expense incurred by the Board be charged against any funds of the State of Alabama other than the funds collected under the provisions of this act."

Section 2. That Section 7, as last amended, of Act No. 529, General Laws of Alabama, approved September 2, 1949 (1949 Acts, p. 827, Et Seq.) is hereby further amended to read as follows:

"Section 7. EXAMINATION AND CERTIFICATION OF PLUMBERS, AND PLUMBER APPRENTICES. It shall be unlawful for any person, firm or corporation to do or perform, **or to bid upon**, contract, direct or superintend any plumbing anywhere within any county having a population in excess of 150,000 inhabitants, according to the last or any subsequent Federal **Decennial** census, unless such person, firm or corporation has first received a certificate of competency, hereinafter referred to as "certificate", and unless such certificate is in force and effect at the time such plumbing is **bid upon, contracted for**, done, directed or superintended; except as hereinafter provided, except that nothing in this Act shall prohibit a general contractor as defined by law, an architect or engineer from performing, bidding upon or contracting construction work which may include plumbing as a part of said construction work.

It shall be the duty of the Board to examine and pass upon the qualifications of every person who may apply for a Plumbers Apprentice Certificate upon forms provided by the Board. Such applicant shall be examined, orally or in writing, upon his knowledge and conception of plumbing work, his ability to work with his hands, his aptitude and physical fitness for plumbing work and his educational training to date of his application. If such applicant be found to be at least sixteen (16) years of age and to possess some knowledge of plumbing work and to have some reasonable aptitude and physical fitness therefor as well as a genuine desire to learn the plumbing trade, or is duly registered as an apprentice in a plumbing apprentice training program conducted by a Joint Apprenticeship Committee organized and existing in a county subject to this Act, the Board shall

issue to him a certificate as a plumber apprentice upon his first paying all fees herein prescribed.

It shall be the duty of the Board to examine and pass upon the qualifications of every person who may apply for a journeyman's plumbers certificate upon forms provided by the Board. Such applicant shall be examined, orally or in writing, upon the fundamentals of plumbing, the theory and practice of plumbing installation and construction, and the experience and ability of the applicant in practical plumbing installation and construction. If such applicant be found to possess an accurate knowledge of the theory and correct practice of plumbing installation and construction and sufficient experience and ability in plumbing installation and construction to safely and competently apply his knowledge and practice, the Board shall issue to him a certificate as a journeyman plumber upon his first paying all fees herein prescribed.

It shall be the duty of said Board to examine and pass upon the qualifications of every person who may apply for a master plumber's certificate upon forms provided by the Board. Such applicant for a master's certificate shall be examined as an applicant for a journeyman's certificate, as hereinabove required to be examined and also upon his knowledge, training and ability in the planning, laying out and supervision of plumbing installation and construction work. If such applicant for a master's certificate be found to possess the qualifications hereinabove prescribed for the issuance of a journeyman's certificate and also sufficient knowledge, training and ability to competently and safely plan, layout and supervise installation and construction work, he shall be issued a master plumber's certificate by said Board.

In all counties of this State whose population exceeds 150,000 according to any Federal **Decennial** census taken subsequent to the passage of this Act, the examination required of an applicant for a certificate as a master plumber or a journeyman plumber may be waived by the Board as to any person who furnishes satisfactory proof to the Board that he is a person of good moral character, and that he has been actively engaged as a master plumber or as a journeyman plumber, and duly licensed as such, under the general laws of the State of Alabama, as the case may be, for at least two years, provided that such person files an application in writing for waiver with the Board, which application shall be accompanied by an affidavit giving the name or names of the persons, firms or corporations and the addresses thereof by whom he has been employed, or for whom he has done plumbing work during said two years of his engaging in said trade, and provided further that said application be filed within six (6) months after the date upon which said Federal census

becomes effective in said counties subsequent to the passage of this Act. The examination required of an applicant for a certificate as a plumber apprentice may be waived by the Board as to any person who furnishes satisfactory proof to the Board that he is a person of good moral character, and that he was actively engaged as a plumber apprentice by any duly licensed master plumber on the date of the passage of this Act or was duly registered on said date as an apprentice in a plumbing apprentice training program hereinabove set forth, provided that such person files an application in writing for waiver with the Board, which application shall be accompanied by an affidavit giving the name and address of the master plumber by whom he was actively engaged as a plumber apprentice on said date, or the name and address of the organization conducting the plumbing apprentice training program in which such person was registered on said date, and provided further that said application be filed within six (6) months after the passage of this Act. Except as herein provided in this section, no person shall be issued a certificate without passing the prescribed examination, provided, however, that a person after having passed said examination, shall not be required to take said examination thereafter in order to secure a certificate in subsequent years. At least four (4) examinations per year shall be conducted, at a time and place prescribed by the Board after reasonable notice thereof. No plumber apprentice shall be allowed to do, or assist in doing, any plumbing as herein defined except under the active and continuous supervision of a master or journeyman plumber. No master plumber shall supervise or undertake to use on any job site the service of more than one (1) plumber apprentice for each three journeymen plumbers employed at said job site. Nothing herein contained in this Act shall be construed to prevent a journeyman plumber from overseeing, working with and superintending the work of a plumber apprentice who may be assigned to such journeyman plumber by the master plumber contracting for or, superintending the plumbing work on such job site. No journeyman plumber, however, shall undertake to do, or contract to do, or superintend the installation of, plumbing by utilizing the services of a plumber apprentice in doing, or contracting to do, plumbing for his own account or as his own business.

In case any plumbing is bid upon, contracted for, done, directed or superintended by any person, firm or corporation, in violation of the provisions of this Section of this Act, the Board, in addition to other remedies, may institute injunction, quo warranto, or other, appropriate action or proceedings to prevent such bidding upon, contracting for, doing, directing or superintending of plumbing in violation of the provisions of this Section of this Act, or to restrain, correct or abate such violation

or to prevent any illegal act, conduct, practice, use or business done, conducted, performed or practiced by such person, firm or corporation in violation of the provisions of this Section of this Act."

Section 3. That, if any Section, paragraph or provision of this Act is held or determined by any Court of competent jurisdiction to be invalid or unconstitutional, all Sections, paragraphs or provisions of this Act not thereby affected, shall remain in full force and effect.

Section 4. That this Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 2, 1965.

Time: 6:00 P. M.

Act No. 832

S. 540—Roberts

AN ACT

To provide further for the selection of text books and instructional materials for use in the public schools in Madison County.

Be It Enacted by the Legislature of Alabama:

Section 1. The county board of education of Madison County, upon the recommendation of the county superintendent of education, may select and adopt for use in the tax-supported public elementary and high schools in the county textbooks and instructional materials other than the textbooks and materials on the state-adopted list. Whenever textbooks and instructional materials are substituted for the state-approved or state-adopted books and materials, such books or materials shall be used by the teachers in the county public schools in teaching any course or courses for which a substitution has been made. Provided, however, such county board of education or city board of education shall provide free textbooks to all grades which would be provided under the terms of Act No. 221, Special Session, 1965, H. 40.

Section 2. The provisions of Act No. 412, S. 261, Regular Session 1945 (General Acts 1945, p. 647), and of Act No. 22, H. 40, Special Session 1965 (Acts 1965, p. 288), which are inconsistent with this Act are superseded by this Act.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 2, 1965.

Time: 6:01 P. M.

Act No. 833

S. 128—Nichols

AN ACT

To create the State Employees' Insurance Board and authorize such Board to provide a health insurance plan for employees of the State of Alabama; to define the terms used in this Act; to provide for the contents of such health insurance plan and to define eligibility requirements for participation in such plan; to authorize the Board to execute contracts to provide benefits under such plan; to authorize the inclusion of retiring state employees and the dependents of state employees and retiring state employees in such plan; to provide for the payment of benefits under such plan; to provide for a State Employees' Insurance Fund and for contributions thereto; to provide for the financing of the health insurance plan; to authorize the Board to adopt and promulgate rules and regulations for the administration of such plan; to provide an effective date of this Act and repeal all laws in conflict therewith.

Be It Enacted by the Legislature of Alabama:

Section 1. For the purposes of this Act an employee is defined as a person who works full time for the State of Alabama, or for a County Health Department, and who receives his full compensation on a monthly basis through means of a state warrant drawn upon the State Treasury or by check drawn upon the State Treasury or by check drawn by the Treasurer of the Alabama State Docks' Department, other than those employees covered by the United States Railway Retirement Act. Such term shall also include those persons who shall hereafter retire from the service of the State of Alabama and who, at the time of such retirement, met the criteria set out herein and who, following such retirement, draw a monthly benefit from the Employees' Retirement System of Alabama.

Section 2. As used in this Act the term "Board" shall mean the State Employees' Insurance Board, the membership of such Board to consist of the members of the State Personnel Board, together with the Director of Finance and the Secretary-Treasurer of the Employees' Retirement System of Alabama. The present incumbents of the officers named shall constitute the membership of the Board hereby created and their successors in office by virtue of assuming such office, shall succeed to membership on the Board. The Chairman of the State Personnel Board shall serve as the Chairman of the State Employees' Insurance Board and the officers of the Board shall be elected by the membership at an organizational meeting to be held not more than ten (10) days following the passage and approval of this Act.

Section 3. The State Employees' Insurance Board is hereby empowered and authorized to establish a health insurance plan for employees of the State of Alabama and to adopt and promulgate rules and regulations for the administration of such plan, subject to such limitations as may be contained in this Act, which plan may provide for group hospitalization, surgical and medical insurance against the financial costs of hospitalization, surgical and medical treatment and care, and may also include, among other things, prescribed drugs, medicines, prosthetic appliances, hospital in-patient and out-patient service benefits, and medical expenses indemnity benefits, including major medical benefits, or such other coverage or benefits as may be deemed appropriate and desirable by the Board.

Section 4. Such health insurance shall not include expenses incurred by or on account of an individual prior to the effective date of the plan as to him; dental care and treatment, except dental surgery and appliances to the extent necessary for the correction of damage caused by accidental injury while covered by the plan, or as a direct result of disease covered by the plan; eye glasses, hearing aids and examinations for the prescription or fitting thereof; cosmetic surgery or treatment except to the extent necessary for correction of damage caused by accidental injury while covered by the plan or as a direct result of disease covered by the plan; services received in a hospital owned or operated by the United States Government for which no charge is made; services received for injury or sickness due to war or any act of war, whether declared or undeclared, which war or act of war shall have occurred after the effective date of this plan; expenses for which the individual is not required to make payment; expenses to the extent of benefits provided under any employer group plan other than this plan, in which the state participates in the cost thereof, and such other expenses as may be excluded by regulations of the Board.

Section 5. The health insurance plan herein provided for shall be designed by the State Employees' Insurance Board (1) to provide a reasonable relationship between the hospital, surgical and medical benefits to be included, and the expected hospital, surgical and medical expenses to be incurred by the affected employee and dependents and (2) to include reasonable controls, which may include deductible and co-insurance provisions applicable to some or all of the benefits, to prevent unnecessary utilization of the various hospital, surgical and medical services available and to provide reasonable assurance of stability in future years for the plan.

Section 6. The Board is hereby authorized to execute a

contract, or contracts, to provide the benefits under the plan of health insurance coverage determined upon in accordance with the provisions of this Act. Such contract, or contracts, may be executed with one or more agencies or corporations licensed to transact group health insurance business in this State. All of the benefits to be provided under this Act may be included in one or more similar contracts issued by the same or different companies. Before entering into any contract hereby authorized, said Board shall invite competitive bids from all qualified insurers who may wish to offer plans for the health insurance coverage desired. The Board shall award such contract on a competitive basis as determined by the benefits afforded, the costs to be incurred by both employee and employer, the experience of the offering company or agency in the group health insurance field and its facilities for the handling of claims. In evaluating these factors the Board may employ the services of impartial professional insurance analysts or actuaries. The contract executed by the board with the selected carrier shall be a contract to cover all employees of the State subject to the provisions of this Act, provided, however, that nothing contained in this Act shall prohibit other insurance carriers from soliciting additional health and other types insurance coverage with State employees and nothing contained in this Act shall prohibit the Director of Finance from authorizing payment of premiums for such additional health and other types of coverage by payroll deduction.

The Board may authorize the carrier with whom the primary contract is executed to reinsure portions of such contract with other such carriers which elect to be a reinsurer and who are legally qualified to enter into a reinsurance agreement under the laws of this State. Each employee who is covered under any such contract, or contracts, shall receive a certificate setting forth the benefits to which the employee and his dependents are entitled thereunder, to whom such benefits shall be payable, to whom claims shall be submitted, and a summary of the provisions of the contract as they affect the employee and his dependents. Such certificate shall be in lieu of the certificate which the carrier, or carriers, issuing such contract, or contracts, would otherwise issue. The Board may at the end of any contract period discontinue any contract, or contracts, it has executed with any carrier and replace same with a contract, or contracts, with any other carrier, or carriers, meeting the requirements of this Act.

Section 7. The contract, or contracts, shall provide for health insurance for retiring state employees and their spouses and dependents as defined by rules and regulations of the

Board, on such terms as the Board may deem appropriate. The Board shall adopt rules and regulations prescribing the conditions under which retiring employees may elect to participate in or withdraw from the plan.

Section 8. Any benefits payable under the plan adopted may be paid either directly to the attending physician, hospital, medical group, or other furnishing the service upon which the claim is based, or to the insured employee, upon presentation of valid bills for such services, subject to such provisions designed to facilitate payment as may be made by the Board.

Section 9. The State Employees' Insurance Board is hereby authorized to provide, under the contract, or contracts, entered into, under the provisions of this Act, that the cost of such insurance benefit plan for coverage of the employee shall be paid by the employer.

In addition, each employee shall be entitled to have his spouse and dependent children, as defined by the rules and regulations of the Board, included in the coverage provided upon agreeing to pay the costs of such coverage for such dependents. The Board shall adopt regulations governing the discontinuance and resumption by such employees of coverage for dependents.

(1) The employer shall mean the fund from which the salaries of such insured employees are paid. There is hereby appropriated annually from each fund amounts sufficient to provide the employer's cost of the insurance benefit plan. In the case of those departments supported wholly by transfers from other state funds, there is hereby appropriated from the supporting funds such additional amounts as may be necessary to pay the sums required to pay the premium costs of employees of each department so supported in the same proportion as the other state funds contribute to the support and maintenance of such department. Provided, however, that not more than the sum of one hundred dollars (\$100.00) shall be expended for each employee insured during any one fiscal year.

(2) During any period in which an employee's dependents are covered under this Act, there shall be withheld from the salary payment of such employee the entire premium cost for coverage of such dependents under the terms of any contract, or contracts, entered into in accordance with the provisions of this Act.

(3) There is hereby created in the State Treasury a fund to be known as the State Employees' Insurance Fund. Such fund shall consist of and there shall be deposited into

such fund all appropriations made from employer funds, under the provision of sub-section (1) of this Section and all premiums paid by employees under the provisions of sub-section (2) of this Section and any other premiums paid under the provisions of this Act. The Board shall designate a custodian of this fund who shall be authorized to make deposits into and payments therefrom in accordance with contracts entered into by said Board.

Section 10. Employees covered under this plan who retire from active service and begin receiving monthly benefits from the Employees' Retirement System of Alabama or from the Teachers' Retirement System of Alabama may elect to continue coverage under the group insurance plan by consenting to have deducted from their monthly benefit payment the total cost of their insurance coverage. The premiums so deducted shall be transmitted monthly to the State Employees' Insurance Board.

Section 11. For the purposes of paying the administrative costs of this Act there is hereby appropriated from the State General Fund the following amounts: For the fiscal year ending September 30, 1965, the sum of \$10,500.00; for the fiscal year ending September 30, 1966, the sum of \$21,000.00; and for the fiscal year ending September 30, 1967, the sum of \$22,000.00.

Section 12. All persons in the employment of the State of Alabama at the time of adoption and execution by the Board of a contract providing for a group health insurance plan, and who are eligible for coverage under the provisions of this Act and the rules and regulations of the Board adopted pursuant thereto, shall be included in such coverage and shall have an option as to whether they will subscribe to such coverage for their dependents, such option to be exercised in the manner and within the time limitation perscribed by the Board.

All persons who become employees of the State of Alabama, as defined by the terms of this Act and the rules and regulations promulgated by the Board pursuant thereto, after the effective date of any contract entered into by the Board providing group health insurance coverage to the employees of the State, shall, become members of the group health insurance plan hereby provided and shall have an option as to whether they will subscribe to such coverage for their dependents; provided that such coverage may be deferred during any reasonable waiting period provided in the contract, or contracts.

Section 13. The State Employees' Insurance Board shall

promulgate such rules and regulations as may be required for the effective administration of the provisions of this Act.

Section 14. This Act is hereby declared to be severable. Should any section or provision thereof be held invalid or unenforcible by a court of competent jurisdiction, said holding shall not invalidate or render unenforcible the remaining provisions or sections thereof.

Section 15. All laws or parts of laws, local, special or general, in conflict with the provisions hereof are hereby repealed.

Section 16. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 2, 1965.

Time: 6:02 P. M.

Act No. 834

S. 174—Dumas

AN ACT

To amend Section 6 of Act No. 109, H. 148, Regular Session 1961 (Acts 1961, p. 134), relating to municipal public hospital facilities; authorizing the governing body in any municipality in which such hospital is incorporated to provide for a self-perpetuating board of directors.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 6 of Act No. 109, H. 148, Regular Session 1961 (Acts 1961, p. 134) is amended to read as follows:

“Section 6. The Authority shall have a board of directors composed of the number of directors provided in the certificate of incorporation. All powers of the Authority shall be exercised by the board or pursuant to its authorization. The directors shall be residents of the municipality and shall be elected by the governing body for staggered terms of office as follows: the first term of one-third of the directors shall be two years; the first term of the second one-third of the directors shall be four years; the first term of the remaining one-third of the directors shall be six years; and upon the expiration of the initial term of each director each subsequent term shall be six years. If any director resigns, dies, becomes incapable of acting as a director, or ceases to reside in the municipality, the governing body shall elect a successor to serve for the unexpired portion of his term of office. The governing body of any city having a population of not

less than 32,000 and not more than 33,500 according to the last or any succeeding federal decennial census may, in its discretion, by a resolution duly adopted and recorded in its minutes, divest itself of the authority to appoint the members of the board and vest the appointing authority in the board of directors, which said divestiture once made shall continue regardless of subsequent change in the population of such city. One certified copy of such resolution shall be filed in the office of the secretary of state, one with the state board of health, and one recorded in the office of the judge of probate. In the event such resolution is so adopted and recorded, the board of directors shall become a self-perpetuating board, and shall thereafter fill all vacancies occurring in its membership in the same manner as the city governing body fills vacancies. Directors shall be eligible to succeed themselves in office whether the board is self-perpetuating or not. No director shall be an officer of the state or of the municipality. A majority of the members of the board shall constitute a quorum for the transaction of business. No vacancy in the membership of the board shall impair the right of a quorum to exercise all the powers and duties of the Authority. The members of the board and the officers of the Authority shall serve without compensation, except that they may be reimbursed for actual expenses incurred in and about the performance of their duties. All resolutions adopted by the board shall constitute actions of the Authority and all proceedings of the board shall be reduced to writing and signed by the secretary of the Authority, and shall be recorded in a well bound book. Copies of such proceedings, when certified by the secretary of the Authority, under the seal of the Authority, shall be received in all courts as prima facie evidence of the matters and things therein certified."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 2, 1965.

Time: 6:03 P. M.

Act No. 835

S. 374—Eddins

AN ACT

To authorize the director of finance to transfer title to certain personal property of the Alabama Civil War Centennial Commission.

Be It Enacted by the Legislature of Alabama:

Section 1. The director of finance, state department of

finance, is hereby authorized and empowered to transfer, on behalf of the State of Alabama and the Alabama Civil War Centennial Commission, the title to the following described personal property, to Dr. A. B. Moore, upon completion of the business of the Alabama Civil War Centennial Commission, to wit:

Quantity	Description
1	Royal standard typewriter, elite type FP 11"
1	#CS-814 gray storage cabinet
1	#8518 walnut secretary desk
1	#74 gen. walnut and top grain leather secretarial chair
1	#1437 gray 4 drawer letter file
1	Green 4 drawer letter file, steelmaster 2904
1	#6 US gray valet (costumer)
1	#B-965-H gen. walnut 69 x 36 executive desk
1	#8520 gen. walnut and top grain leather high back executive chair
1	Postage scale (desk type)
2	Waste baskets

Such transfer shall be made as herein provided, upon approval by the governor, subject to such terms and conditions as the director of finance may determine.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 2, 1965.

Time: 6:04 P. M.

Act No. 836

S. 556—Tyson

AN ACT

To amend further Act No. 345, H. 291, Regular Session 1955, which creates domestic relations division of the circuit courts of counties having populations of not less than 225,000 nor more than 500,000 (Acts 1955, v 2, p. 783).

Be It Enacted by the Legislature of Alabama:

Section 1. "Section 4. (a) The register of the circuit court shall appoint a deputy register of the circuit court who shall serve under the direction and shall hold office at the pleasure of the register of the circuit court. Said deputy

register shall be responsible for the functions of said domestic relations division of the circuit court and as deputy register be empowered to transact all business and perform all duties of such register and to hold references and make reports. The deputy register shall at all times receive a salary which is hereby fixed at \$500.00 less than the annual salary of the Register of the Circuit Court as provided by law. Said annual salary of the deputy register shall be paid in twelve equal monthly installments out of the general funds of the County. If any county coming within the influence of this act has a civil service system the deputy register hereby provided for shall be in the exempt service and no rules or regulations of the civil service shall govern his appointment, discharge or compensation. Said deputy register before entering upon the duties of his office shall give bond to the State of Alabama in a sum to be set by the governing authority, to execute faithfully all the duties of his office during his continuance therein.

Section 2. All laws and parts of laws in conflict with this Act are repealed.

Section 3. This Act shall become effective upon the expiration of the term of office of the incumbent register of the circuit court and the appointment of his deputy as provided by this Act.

Approved September 2, 1965.

Time: 6:05 P.M.

Act No. 837

S. 591—Dumas

AN ACT

To amend Section 40 of Chapter 3, Title 50, of the Code of Alabama of 1940, relating to the general grant of power to public corporations organized under said Chapter 3 so as to permit the sale and transfer of such corporation's entire system.

Be It Enacted by the Legislature of Alabama:

Section 40, of Title 50, under Chapter 3 of the Code of Alabama of 1940, is amended to read as follows:

§40. Corporate purpose of authority and general grant of power. — An authority shall be incorporated for the purpose of conducting and developing the enterprise in which it may engage in such manner that the services afforded by such enterprise shall be available for public uses and to all inhabitants of the municipality and the surrounding area for domestic and industrial uses at the lowest cost consistent

with sound economy and prudent management. Every authority incorporated under this chapter is hereby vested with all powers necessary and requisite for the accomplishment of such purpose for which such authority is incorporated capable of being delegated by the legislature of the State of Alabama. The authority shall have the power to acquire, construct, reconstruct, extend, improve and maintain and operate any plant, works, system, facilities or properties together with all parts thereof and appurtenances thereto, used or useful for the generation, production, transmission and distribution of electric energy, natural or artificial gas or mixtures thereof, for obtaining a water supply, and the storage and distribution of water, for the collection, disposal, and treatment of sewage, telephone system and service, and generally for the conduct and development of the enterprise. No enumeration of particular powers hereby granted shall be construed to impair any general grant of power herein contained, or to limit any such grant to a power or powers of the same class or classes as those so enumerated. The authority is empowered to do all acts necessary, proper, or convenient in the exercise of the powers granted under this chapter.

In addition to all other powers, the authority shall have and may exercise the power to sell, transfer and convey to any public corporation having authority to carry on the business of a water distribution system, including those organized under Article 5, Chapter 7, Title 37 of the Code of Alabama of 1940, as amended, its entire water system, including all of its property and assets, real, personal and mixed, for such consideration, and upon such terms and conditions as may be agreed upon by and between the authority and such purchaser; provided the consideration therefor shall include and require, among others, the assumption by such purchaser of the outstanding and unpaid bonded indebtedness, if any, of the authority, and shall include an agreement by such purchaser to supply water to the authority's then existing water customers under the purchaser's rules and regulations applicable, and which may thereafter be or become applicable to the purchaser's system as a whole.

This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 2, 1965.

Time: 6:06 P. M.

AN ACT

To alter and rearrange the boundaries of the City of Mobile so as to reduce the corporate limits and exclude certain territory from the city.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the City of Mobile are hereby altered and rearranged so as to reduce the corporate limits of the city and exclude from the incorporated territory presently lying within the boundaries and corporate limits of the city the following described area, to-wit:

Commencing at the intersection of the East right-of-way line of U. S. Highway 43 and the South bank of Chickasaw Creek; running thence Northwestwardly and Southwestwardly along the said South bank of Chickasaw Creek to the East bank of Eight Mile Creek; running thence Southwardly along the East bank of Eight Mile Creek to a point on a line which is 1,400.0 feet Northwardly and parallel to the South line of Section 16, Township 3 South, Range 1 West; running thence westwardly along said line to the Northeast corner of the fractional $SE\frac{1}{4}$ of the $SE\frac{1}{4}$ of Section 17, Township 3 South, Range 1 West; running thence Westwardly along the North boundary of said fractional $SE\frac{1}{4}$ of the $SE\frac{1}{4}$ 1,113.5 feet to the Northeast corner of a tract of land conveyed by Chickasaw Land Company to Leon L. Solomon, by deed dated March 22, 1921; thence turn an angle of 90 degrees 41 minutes 30 seconds to the left in a Southerly direction along the East boundary of said tract of land conveyed by Chickasaw Land Company to Leon L. Solomon, 2,769.2 feet thence turning an angle of 90 deg 00' to the right in a Westerly direction along the South boundary of said tract of Land conveyed by Chickasaw Land Company to Leon L. Solomon and a westerly projection thereof 494.5 feet; thence turning an angle of 35 deg 51' to the left in a southwesterly direction run 1,427.4 feet; thence turn an angle of 144 deg. 06' to the left in an Easterly direction run 995.4 feet, more or less, to the center line of Eight Mile Creek; running thence Southwestwardly along the center line of Eight Mile Creek to a point on the south line of Second Avenue (in Chickasaw) produced westwardly; running thence Westwardly along the said South line of Second Avenue produced Westwardly to a point on a line 5,280.0 feet East of and parallel to the Range line between Ranges 1 West and 2 West in Township 3 South; running thence North along said line 3,960.0 feet; running thence West 3,960.0 feet; running thence North 1,320.0 feet; running thence West 1,320.0 feet; running thence South 2,640.0 feet; running thence West 1,900.0 feet

along the South line of the North $\frac{1}{2}$ of the North $\frac{1}{2}$ of Section 24, Township 3 South, Range 2 West to the center line of the Gulf, Mobile & Ohio Railroad; running thence Northwestwardly along the center line of the Gulf, Mobile & Ohio Railroad to a point on the East line of the West $\frac{1}{2}$ of Section 24, Township 3 South, Range 2 West; running thence North along the east line of the West $\frac{1}{2}$ of said Section 24 and the East line of the West $\frac{1}{2}$ of Section 13, Township 3 South, Range 2 West to the Northeast corner of the SW $\frac{1}{4}$ of said Section 13; running thence West 2,640.0 feet to the Northwest corner of the SW $\frac{1}{4}$ of Section 13, Township 3 South, Range 2 West; running thence South to the Southwest corner of Section 25, Township 3 South, Range 2 West; running thence East 3,960.0 feet to a point; running thence South 1,320.0 feet; running thence East 1,320.0 feet; running thence South 1,320.0 feet; running thence East 1,320.0 feet; running thence North 1,320.0 feet; running thence East 1,100.0 feet to a point which is 400.0 feet North of the South line of Lot 22, Range 2 West of the Owens Division of the St. Louis Tract; running thence Southeastwardly along a line which is parallel with Canal Street in the Owens Division of the St. Louis Tract and is midway between Canal Street and Next Street in the LaFargue Place Second Addition to a point of intersection with the Northwest right-of-way line of Interstate Highway No. I-65-1; running thence Southwestwardly along said rights-of-way to the point of intersection with the north boundary line of Section 6, Township 4 South, Range 1 West; running thence westwardly along the North boundary line of said Section Six and the North boundary line of Sections 1, 2, and 3 of Township 4 South, Range 2 West, to the half Section line dividing the East half and the West half of Sec. 34, Township 3 South, Range 2 West; running thence North along said half section line to the center of Section 34; running thence Westwardly along the half section line dividing the North half and South half of said section 34 to the West Boundary line of said Section 34; running thence Northwardly along the West boundary line of said Section 34 to the Northwest corner of said Sect 34; running thence Westwardly along the North boundary line of Section 33 and 32 of Township 3 South, Range 2 West to the Northwest corner of said Section 32; running thence Northwardly along the West boundary line of Sections 29 and 20, Township 3 South, Range 2 West to the Northwest corner of said Section 20; running thence Eastwardly along the North boundary line of said Section 20 to the Southwest corner of Section 16, Township 3 South, Range 2 West; running thence Northwardly along the west boundary line of said Section 16 to the Southeast corner of Section 8, Township 3 South, Range 2 West; running thence Westwardly along the

South boundary of said Section 8; running thence northwardly along the West boundary of Sections 8 and 5, Township 3 South, Range 2 West and the West boundary of Section 32, Township 2 South, Range 2 West to the Northwest corner of said Section 32; running thence Eastwardly along the North boundary of said Section 32 to the Northeast corner of said Section 32; running thence Southwardly along the East boundary of said Section 32 to the Northwest corner of Section 4, Township 3 South, Range 2 West; running thence Eastwardly along the North boundary line of Said Section 4 and Section 3 of Township 3 South, Range 2 West to the Southwest corner of Section 35, Township 2 South, Range 2 West; running thence Northwardly along the West boundary of said Section 35; to the Northwest corner of said Section 35; running thence Eastwardly along the North boundary of said Section 35 to the Southwest corner of Section 25, Township 2 South, Range 2 West; running thence Northwardly along the West boundary of Said Section 25 to the half section line dividing the North half and South half of said Section 25; running thence Eastwardly along the half Section line dividing the North half and South half of said Section 25 and the half section line dividing the North half and South half of Section 30, Township 2 South, Range 1 West to the center of said Section 30; running thence Southwardly along the half Section line dividing the East half and the West half of said Section 30 to the South boundary of said Section 30; running thence Eastwardly along the South boundary of said Section 30 to the Northwest corner of Section 32, Township 2 South Range 1 West; running thence Southwardly along the West boundary of said Section 32 to the center of Bayou Sara; (thence following the City limits of Saraland to the East line of U.S. Highway 43 as follows;) continuing thence Southwardly along the west line of said Section a distance of 1,800.0 feet to a point on the South line of the North $\frac{1}{2}$ of the SW $\frac{1}{4}$ of said Section 32; running thence Eastwardly along the said South line of the North $\frac{1}{2}$ of the SW $\frac{1}{4}$ and the South line of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Sect 32 a distance of 3,690.0 feet to the Southeast corner of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 32; running thence Southwardly along the East line of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Sect 32 and the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 5, Township 3 South, Range 1 West a distance of 1,920.0 feet to the center line of Norton's Creek; running thence Eastwardly downstream along the meanderings of the center line of said creek a distance of 1,450.0 feet, more or less, to a point; running thence South 00 deg 27' West a distance of 2,281.97 feet to a point; running thence South 52 deg 02' 30" West a distance of 250.0 feet to a point; running thence North 37 deg 57 min 30 sec West a distance of 500.0 feet to a point; running thence South 52 deg 02' 30" West a distance of 1,851.62 feet to a point; running thence South 41 deg 46 min

West a distance of 1,402.41 feet to a point; running thence North 00 deg 27' West a distance of 228.85 feet to a point; running thence South 41 deg 44' West a distance of 414.52 feet to a point; running thence South 34 deg 06 min West a distance of 3,279.80 feet to a point on the South line of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 8, Township 3 South, Range 1 West; thence North 89 deg 41 min East along said South line a distance of 396.87 feet to a point on the Southeast right-of-way line of Shelton Beach Road; running thence North 41 deg 44' East along said right-of-way line a distance of 1,789.0 feet, more or less, to a point on the South line of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 8, Township 3 South, Range 1 West; running thence Eastwardly along the South line of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section a distance of 2,070.0 feet, more or less, to the Southeast corner of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 8, running thence Southerly along the West line of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 8 a distance of 1,320.0 feet, more or less, to the Southwest corner of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 8; running thence Easterly along the South line of the NE $\frac{1}{4}$ of said Section 8 a distance of 1,320.0 feet, more or less, to the Southeast corner of Fractional Section 8; running thence Easterly along the South line of the NW $\frac{1}{4}$ of Section 9, Township 3 South, Range 1 West, a distance of 2,640.0 feet to the Southeast corner of the NW $\frac{1}{4}$ of said Section 9; running thence Southwardly along the West line of the SE $\frac{1}{4}$ of said Section 9 a distance of 2,640.0 feet, more or less, to the Southwest corner of the SE $\frac{1}{4}$ of said Section 9; running thence Eastwardly along the South line of said Section 9 a distance of 2,640.0 feet, more or less, to the Southwest corner of said Section 9; continuing thence Eastwardly along the South line of Section 10, Township 3 South, Range 1 West to the East right-of-way line of U.S. Highway 43; running thence Southwardly along the East right-of-way line of said U.S. Highway 43 to the South bank of Chickasaw Creek, which is the point of beginning.

Section 2. All laws or part of laws which conflict with this Act are repealed.

Section 3. Within 60 days after final passage of this Act the mayor of the City of Mobile shall certify a list of the names of all qualified electors of the city residing in the territory proposed to be excluded from the city by this Act and file it with the judge of probate of Mobile County, who shall make an order and enter the same upon the minutes of the probate court, directing that an election be held by the qualified electors residing in such territory not less than 30 nor more than 60 days from the making of such order, to determine whether this Act shall become effective and fully operative. The election shall

be called, held, and conducted as nearly as may be as provided by general laws regulating the conduct of elections or the issuance of county bonds. The proposition to be submitted at the election shall be stated substantially as follows: "Do you favor reduction of the corporate limits of the City of Mobile as provided by Act No. _____ of the 1965 Regular Session of the Legislature of Alabama?" If a majority of the electors who vote in the election vote in the affirmative this Act shall become operative immediately; if a majority of the votes are noes, the Act shall have no further force or effect. The judge of probate shall canvass the election returns as made by the returning officer. He shall make a certificate of the results and enter the same in the records of the probate court. The expense of holding the election provided for herein shall be paid by the City of Mobile.

Approved September 2, 1965.

Time: 6:07 P.M.

Act No. 839

S. 595—Wilson

AN ACT

To apply only in Walker County: To authorize, provide for, and regulate the introduction in evidence in any court in such county, when the original thereof would be relevant and material, of certified copies of certain hospital records of any hospital organized or operated under or pursuant to the laws of Alabama, as to and concerning a patient in said hospital; to prescribe the form of the certificate to be used for certifying copies of such records, the procedure for obtaining such records, the manner of copying such records, the costs and charges therefor and the manner of payment thereof and the probative value of such records.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only in Walker County.

Section 2. When the original would be relevant and material in any suit or proceeding in a court in such county, a certified copy of the hospital records of any hospital organized or operated under or pursuant to the laws of Alabama, including records of admission, medical, hospital, occupational, disease, injury and disability histories, temperature and other charts, X-Rays and written interpretations thereof, pictures, photographs, files, written orders, directions, findings and reports and interpretations of physicians, doctors, surgeons, pathologists, radiologists, specialists, dentists, technicians and nurses, as well as of all employees of such hospital, forming a part of such hospital records as to the health, condition, state, injuries, sickness, disease, mental, physical and nervous disorders, duration and

character of disabilities, diagnosis, prognosis, progress, wounds, cuts, contusions, lacerations, breaks, loss of blood, incisions, operations, injuries, examinations, tests, transfusions, hospitalization and duration thereof, medication, medicines, supplies, treatment and care and the cost, expenses, fees and charges therefor and thereof, a part of or shown on or in said hospital records of any patient in said hospital when certified and affirmed by the custodian of said hospital records as herein provided, shall be admissible in evidence without further proof in any court in such county where material and relevant, if and when said hospital records were made and kept in the usual and regular course of business of said hospital and it was in the regular course of business of said hospital to make and keep said records and that said records were made at the time of such acts, transactions, occurrences or events therein referred to occurred or arose or were made, or within a reasonable time thereafter.

Section 3. A certified copy of said hospital records may be procured by any litigant in any court of competent jurisdiction in such county by subpoena duces tecum and when any such subpoena duces tecum is issued for said hospital records the custodian of said hospital records shall prepare a copy of said hospital records as herein provided and securely seal the same in an envelope or other container and date and fill out and sign a certificate in substantially the form in this act provided and place on, or securely fasten said certificate to the outside of said envelope or container in which said copy of said hospital records are placed and deliver the same to the clerk or register of the court hearing or to hear or to try the suit or proceeding in which the records are sought and he shall not otherwise be required to appear in court unless thereafter ordered to do so by the court. Said envelope or container in which the copy of the hospital records are enclosed shall not be opened until ordered published by the court trying the case at the time of the trial. When so prepared and certified the copy of said hospital records shall be admissible in evidence in any court in such county, if and when relevant and material, in prima facie proof of the facts therein shown just as if otherwise verified and just as if the copy was the original. The copy of the hospital records may be photostated, photographed or made by microphotographic plate or film or otherwise made so long as clear and easily legible. All the circumstances of the making of such hospital records, including lack of personal knowledge of the entrant or maker of such hospital records may otherwise be shown to affect the weight of such hospital records but this shall not affect their admissibility.

For preparing a copy of such hospital records the clerk or

register shall tax as costs twenty-five cents for each page of said hospital records and \$2.50 for making the certificate affixed or appended thereto which charges shall be taxed as costs in the suit or proceeding and said costs shall abide the result of the suit or proceeding.

Section 4. The certificate of the custodian of the hospital records herein provided for shall show the name of the parties to the suit or proceeding and the name of the court to which made, by appropriate caption, and said certificate shall be in form in substance as follows, to-wit:

I, _____ hereby certify and affirm in writing that I am _____ of the _____ Hospital, a hospital organized or operated pursuant to or under the laws of Alabama, located at _____, Alabama, and that I am custodian of the hospital records of said hospital and that the within copy of said hospital records are an exact, full, true and correct copy of said hospital records pertaining to _____.

I further certify that I am familiar with and know, and knew when made and charged, the reasonable value and price for the various charges made and shown in said hospital records pertaining to _____ and that said charges are in my judgment just, reasonable and proper and in keeping with those generally charged in the county and community where said hospital is located.

All of which I hereby certify and affirm on this _____ day of _____, 19____.

Section 5. All laws or parts of laws which conflict with this act are repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 2, 1965.

Time: 6:09 P. M.

Act No. 840

S. 596—Wilson

AN ACT

Relating to Walker County; to provide further for probating uncontested wills in such county.

Be It Enacted by the Legislature of Alabama:

Section 1. When a will is offered for probate in Walker

County it may be proved by the deposition of one of the subscribing witnesses in the manner hereinafter provided if no contest has been filed.

Section 2. When a will is presented for probate the person presenting such will may file with this application for probate, a request to the probate judge to issue a commission to take the testimony of one subscribing witness in proof of such will. Upon receipt of such request the judge shall give at least ten days notice to the widow of the testator or his next of kin or either of them, residing in the state, of intention to prove the will by the deposition of a subscribing witness. If on the date set to hear the application for the probate of the will no contest is filed the deposition heretofore provided for may be submitted in proof of such will and if it appears from such proof that the will was duly executed, the deposition with the will shall be immediately recorded in a book provided and kept for this purpose.

Section 3. The provisions of this Act are severable.

If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 2, 1965.

Time: 6:10 P. M.

Act No. 841

S. 598—Wilson

AN ACT

To provide for an action of ejectment to recover possession of real property in Walker County by a purchaser of such real property at a mortgage foreclosure sale or by one claiming under such purchaser, and to regulate the proceedings in such action.

Be It Enacted by the Legislature of Alabama:

Section 1. Whenever real estate in Walker County is sold under the power contained in a mortgage or deed of trust, and the purchaser at such sale, or person claiming under such purchaser has made written demand for possession thereof as provided in Code of Alabama 1940, Title 7, Section 730, and such possession has not been delivered as provided in such section, then such purchaser or person claiming under such purchaser

shall have the right to bring and maintain an action of ejectment against such person or persons in possession in the circuit court of Walker County or some other court of competent jurisdiction in said county, and such action shall be a preferred case in said court until disposed of.

Section 2. The form of complaint in such ejectment suit shall be the same as is provided in Code of Alabama 1940, Title 7, Section 223, No. 30.

Section 3. When service of the summons and complaint in such actions is had upon the defendant, as provided herein, the defendant must answer, plead or demur to the complaint within thirty days from the date of service, and should the defendant desire a jury trial, a demand for such trial must be made and filed with the clerk of the court within thirty days from the date of service of the summons and complaint. When the defendant files an appearance, if the court is in session the clerk of the court must set such action down for trial, as a preferred case within two weeks from the date such appearance is filed. When the court is not in session such action shall be set down for trial by the court as a preferred case on a day within two weeks from the date the court convenes.

Section 4. Upon the trial of such action, the plaintiff, by introducing in evidence the original mortgage and foreclosure deed or certified copies of the record thereof, or other legal proof of such instruments, and proof of demand for possession and failure to deliver possession, makes out a prima facie case, and it shall not be necessary or required in such action for either party to furnish to the other any abstract of title on which such party shall rely for a recovery or defense.

Section 5. Should the plaintiff be successful in such action, the court must enter a judgment in favor of the plaintiff for the property described in the complaint, and such damages as the court, or the jury, if a jury be demanded, may assess for the detention thereof, and the court, or a jury, if a jury be demanded, shall ascertain and fix the yearly rental of such premises and the court shall order the defendant to surrender possession of the premises sued for to the plaintiff within ten days from the date of such judgment and unless the defendant surrenders possession of such property within said ten days, a writ of possession shall be issued by the clerk of the court in substantially the form provided in case of judgment in favor of the plaintiff in an action of statutory ejectment.

Section 6. Should the defendant desire not to surrender possession upon the expiration of said ten days' period but should desire to file an appeal, he must file with the clerk of the court, a good and sufficient bond with sureties approved by the

clerk of the court, and payable to the plaintiff in double the amount of the annual rental value of said property as ascertained by the court, or jury, and the damages assessed and accrued court costs. Said bond must be filed with the clerk of the court within thirty days after judgment is rendered. Said bond shall be conditioned upon the successful prosecution of the appeal by him from said judgment, and the payment of said judgment with the costs, damages, and the rental value of such property pending such proceedings should he fail therein.

Section 7. The defendant shall have the right, after the giving of the bond as herein provided, to appeal from said judgment of the court within thirty days from the date of judgment or within thirty days from the date any motion for a new trial is overruled.

Section 8. The service of the notice or demand and of the summons and complaint as herein provided for, shall be had upon the defendants, unless the defendant is a nonresident or cannot be found, in either of which events, service of said notice or demand and of the summons and complaint, may be had by leaving the same with some person above the age of eighteen years, residing on or in possession of the premises, and in case no one is found on said premises, above said age, then by posting the same on the premises, but unless personal service of the summons and complaint is had upon the defendant, or the defendant files an appearance in such action, no personal judgment shall be rendered against such defendant for damages for the detention of the premises.

Section 9. Judgment by default upon the expiration of said thirty days, and all other proceedings and defenses applicable in ejectment suits, except as modified or changed by this section, shall be and remain in full force and effect, and the rights and remedies herein given are cumulative and in addition to any rights and remedies now existing.

Section 10. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 11. All laws or parts of laws which conflict with this Act are repealed.

Section 12. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 2, 1965.

Time: 6:11 P. M.

Act No. 842

S. 605—Carter

AN ACT

To repeal Act No. 348, H. 803, approved August 30, 1963 (Acts of Alabama 1963, vol. 2, p. 842), entitled, "An Act To prohibit the taking of fish from the public waters of Marshall County with certain commercial fishing gear during certain months, and describing penalties."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 348, H. 803, approved August 30, 1963 (Acts of Alabama 1963, vol. 2, p. 842), entitled, "An Act To prohibit the taking of fish from the public waters of Marshall County with certain commercial fishing gear during certain months, and describing penalties," is hereby expressly repealed.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 2, 1965.

Time: 6:12 P. M.

Act No. 843

S. 606—Roberts

AN ACT

To amend Act No. 128, H. 287, Regular Session 1963, an act regulating the business of well drilling in Madison County.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 7 and 8 of Act No. 128, H. 287, Regular Session 1963, an act regulating the business of well drilling in Madison County (Acts 1963, v. 1, p. 503) are hereby amended to read as follows:

"Section 7. An applicant, at the time of filing an application for a license under this act, shall pay to the judge of probate the sum of two hundred fifty dollars (\$250) for each machine operated in Madison County by such person, firm, or corporation, if such applicant is a resident of Madison County; or the sum of three hundred fifty dollars (\$350) for each machine operated in Madison County by such person, firm, or corporation, if the applicant is a nonresident of Madison County. The health officer shall assign and affix in a conspicuous place a number to each machine so licensed. The license fees collected hereunder shall be paid into a special fund of the county to be used in enforcing the provisions of this act.

"Section 8. Except as otherwise specifically provided herein, the licenses shall be annual, beginning on the first day of

October of each year and ending on the 30th day of September of each year, and each license issued shall expire on the 30th day of September following its issuance. Any license on any machine to be placed in operation after the 30th day of February of each year for which it is issued may be issued after payment of one-half of the annual license required for the subject of such license. Any machine placed in operation without the license having been paid thereon shall be deemed delinquent and there shall be added thereto a penalty of fifteen percent of the amount of such delinquent license, the penalty to be paid over to the county license inspector."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 2, 1965.

Time: 6:13 P. M.

Act No. 844

S. 608—Carter

AN ACT

To allow the establishment of branch banks in Jackson County.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply in Jackson County only.

Section 2. Any bank, either incorporated or unincorporated, within this state and situated in such county shall have the power to establish, to maintain, and operate within the limits of any such county, where the principal place of business of such bank is situated, one or more branches or branch banks, branch offices, branch agencies, additional offices, or branch places of business for the receipt of deposits, payment of checks, lending of money and the conduct of a general banking business, provided that such bank before establishment of any such branch or branches shall first secure the written consent thereto of the State Superintendent of Banks or of the Comptroller of the Currency. It is provided further that no bank shall establish, maintain and operate such a branch within any incorporated municipality in the county in which a bank is already established, other than the municipality in which its principal place of business is situated.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately

upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 2, 1965.

Time: 6:14 P. M.

Act No. 845

S.J.R. 66—Clark

SENATE JOINT RESOLUTION

BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, That the Secretary of the Senate, the Clerk of the House, the Secretary of State and the doorkeepers of the House and Senate be and they are hereby relieved of any responsibility for the Codes, Supplements, Acts, Journals and any other books furnished to members of the Legislature, and

BE IT FURTHER RESOLVED that the Clerk of the House and the Secretary of the Senate be and they are hereby relieved of any responsibility for the legislative payrolls of all sessions of this year and said payrolls as heretofore submitted and paid are hereby approved.

Approved September 2, 1965.

Time: 6:15 P. M.

Act No. 846

S.J.R. 67—Lolley

SENATE JOINT RESOLUTION

WHEREAS, Governor George C. Wallace has been responsible for giving leadership in the establishment of the State Junior College Program in Alabama, and

WHEREAS, without his leadership the State Junior College Program would not have been as fully developed as it is today, and

WHEREAS, Governor Wallace has provided overall outstanding leadership in the entire field of education and particularly in the promotion of the Junior Colleges.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE; THE House of Representatives concurring; that the Administration Building at Enterprise Junior College be named the George C. Wallace Hall.

Approved September 2, 1965.

Time: 6:16 P. M.

Act No. 847

S.J.R. 68—Givhan

SENATE JOINT RESOLUTION

WHEREAS Dr. Champ Lyons, chief of surgery and chairman of the department of surgery at the University Hospital in Birmingham, is a world renowned surgeon whose skill has led to the development of new techniques used in open heart surgery and cardio-vascular treatments; and

WHEREAS Dr. Lyons, who did his undergraduate work at the University of Alabama and later received his M.D., cum laude, from Harvard in 1931, returned to his alma mater in 1950 after extensive research and successful experience in association with eminent hospitals in Boston, London, and New Orleans; and

WHEREAS Dr. Lyons has given valuable assistance as a consultant to numerous national and international programs, has been awarded the Legion of Merit and two citations, is a diplomate of the American Board of Thoracic Surgery, Fellow of the American Association for the Advancement of Science and of the American College of Surgeons, for which he has served on its board of governors, and has been honored by membership in numerous medical and surgical associations throughout the world; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body commends Dr. Lyons for his many contributions to the field of medicine and surgery and for his selfless devotion and dedication to the cause of relief from human suffering, and wishes to express to him particularly the gratitude of the people of Alabama for his return to this State and the gift of his services to train others to follow in his footsteps.

RESOLVED FURTHER That a copy of this resolution be sent to Dr. Lyons and to the Medical Association of the State of Alabama.

Approved September 2, 1965.

Time: 6:17 P. M.

Act No. 848

S.J.R. 69—Carter, Hammond

SENATE JOINT RESOLUTION

WHEREAS, Governor George C. Wallace has been responsible for giving leadership in the establishment of the State Junior College Program in Alabama, and

WHEREAS, without his leadership the State Junior College

Program would not have been as fully developed as it is today, and

WHEREAS, Governor Wallace has provided overall outstanding leadership in the entire field of education and particularly in the promotion of the Junior Colleges, now therefore,

BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, That the Administration Building at the Northeast State Junior College be named the George C. Wallace Building.

Approved September 2, 1965.

Time: 6:19 P. M.

Act No. 849

S.J.R. 70—Carter, Adams

SENATE JOINT RESOLUTION

WHEREAS Mrs. Oneida Wells Hearn, wife of former representative Olin C. Hearn of Marshall County, passed away on August 22, 1965; and

WHEREAS Mrs. Hearn, who was active in church and civic affairs, was a member of the First Baptist Church, of the Business and Professional Womens Club, and of the Dogwood Garden Club of Albertville, was a beloved and highly valued member of her community; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body deeply regrets the death of Mrs. Hearn, and extends its sincere sympathy to her husband, Mr. Olin C. Hearn; to her sister Mrs. J. Pat Colvin; and to her brother, Mr. G. D. Wells, Sr., all of Albertville, to whom copies of this resolution shall be sent.

Approved September 2, 1965.

Time: 6:18 P. M.

Act No. 850

S.J.R. 73—Lowe

SENATE JOINT RESOLUTION

WHEREAS, Governor George C. Wallace has been responsible for giving leadership in the establishment of the State Junior College Program in Alabama, and

WHEREAS, without his leadership the State Junior College Program would not have been as fully developed as it is today, and

WHEREAS, Governor Wallace has provided overall outstanding leadership in the entire field of education and particularly in the promotion of the Junior Colleges.

NOW, THEREFORE, BE IT RESOLVED that the new Administration Building at Southern Union College, Wadley, Alabama, be named the George C. Wallace building in honor of our Governor.

Approved September 2, 1965.

Time: 6:20 P. M.

Act No. 851

S. J. R. 71—McDow

SENATE JOINT RESOLUTION

RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, That the bill, S. B. 216, which has passed both houses, be designated and known as "The Dumas-Pierce Bill."

Approved September 2, 1965.

Time: 6:21 P. M.

Act No. 852

H.J.R. 174—Fite

HOUSE JOINT RESOLUTION

WHEREAS, the Junior College Program in Alabama has won the approval and support of the vast majority of the citizens of this State and has gained recognition by state, federal and local educational officials as one of great merit, rich in both immediate and long range benefits flowing from the continuing development of the great potential of our youth and the resources of the State; and

WHEREAS, Governor George C. Wallace campaigned for the office of Governor on a platform which included a specific promise to work to provide an opportunity for a junior college education for every boy and girl of the State with ability to learn and willingness to work, and received the whole-hearted endorsement of the people of Alabama; and

WHEREAS, Governor George C. Wallace has since pursued his campaign promise with great determination and persistence and has provided the leadership in planning, development, financing and inaugurating the junior college program which today bears the unmistakable imprint of his leadership;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING: In recognition of the foresight and continuing efforts of Governor George C. Wallace in behalf of the junior college program that the Administration Building of each new junior college in the State of Alabama be named in honor of Governor George C. Wallace provided that this shall not apply to the Gadsden Technical Junior College inasmuch as another resolution has been adopted naming another building thereof for Governor Wallace. At the Gadsden Technical Junior College the name of the Administration Building shall be the "James B. Allen Administration Building" in honor and appreciation of his outstanding contribution to education and in view of the fact that Gadsden is his home.

BE IT FURTHER RESOLVED that a copy of this Resolution be sent to the members of the State Board of Education and to each of the Presidents of the junior colleges created under the legislative program enacted during the administration of Governor Wallace.

Approved September 2, 1965.

Time: 6:22 P. M.

Act No. 853

H.J.R. 179—Burns, Nabors, Owens

HOUSE JOINT RESOLUTION

WHEREAS, Governor George C. Wallace has been responsible for giving leadership in the establishment of the State Junior College Program in Alabama,

and

WHEREAS, without his leadership the State Junior College Program would not have been as fully developed as it is today, and

WHEREAS, Governor Wallace has provided overall outstanding leadership in the entire field of education and particularly in the promotion of the Junior Colleges.

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives of the State of Alabama, the Senate concurring, that the Fine Arts Building at the Gadsden Technical Junior College be named the George C. Wallace Hall.

Approved September 2, 1965.

Time: 6:23 P. M.

Act No. 854

H. 621—Etheredge

AN ACT

Relating to civil remedies and procedures; providing further for determination of rights and liabilities connected with or growing out of or related to a cause of action in one suit or proceeding by authorizing and regulating filing of cross-claims and providing for third party practice in civil actions at law.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) The defendant's answer in a civil action, either as originally filed or as amended, may state as a cross-claim any claim by one defendant against a co-defendant arising out of the transaction or occurrence that is the subject matter of the original action or relating to any property that is the subject matter of the original action. Such cross-claim may include a claim that the party against whom it is asserted is or may be liable to the cross-claimant for all or part of the claim asserted in the action against the cross-claimant.

(b) When the presence of parties other than those to the original action is required for the granting of complete relief in the determination of a cross-claim, the court shall order them to be brought in as defendants by causing summons, complaints and cross-claim to be served upon such additional parties. Such additional parties shall make their defenses to any such cross-claim as if originally sued.

Section 2. At any time after commencement of a civil action, a defendant, as a third-party plaintiff, may cause a summons and complaint to be served upon a party not a party to the action who is, or may be, liable to such third-party plaintiff for all, or part, of the plaintiff's claim against him. The person served with the summons and third-party complaint, hereinafter called the third-party defendant, shall make his defenses to the third-party plaintiff's claim as if he were a defendant in an original action and shall be entitled to the remedies of set-off and recoupment and cross-claim available to original defendants. The original plaintiff in an action wherein a third-party complaint is filed and any third-party defendants brought into the initial action as herein provided may assert against each other any claims and defenses which they would have if the third-party defendants were original parties to the action. A third-party defendant may proceed against any person not a party to the action who is or may be liable to him for all or a part of the claim made in the action against the third-party defendant and when a claim is asserted against the original plaintiff, either by the original defendant or by a third-party

defendant, he may cause a third party to be brought in under such circumstances as would entitle an original defendant to do so.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. The provisions of this Act are cumulative and shall be construed insofar as practicable in pari materia with other laws and rules of court governing civil actions. However, the provisions of any law or rule of court in conflict with the provisions of this Act are hereby repealed to the extent, but only to the extent, of such conflict.

Section 5. This Act shall not apply to actions pending when it is enacted, but subject to this exception this Act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved September 2, 1965.

Time: 6:24 P. M.

Act No. 855

H. 401—Fite

AN ACT

To make an appropriation from the State Treasury for capital improvements.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated from monies in the State Treasury to the credit of the funds designated herein for the fiscal years ending September 30, 1966, and September 30, 1967, to be used for capital improvements only, the following amounts for the specific projects:

Section 2. ARMORY COMMISSION:

- (a) For the fiscal year ending September 30, 1966:

For the erection, construction and equipping, of armory facilities required by the Alabama National Guard Units in the following locations and in the amounts specified:

Samson	30,000.00
Prichard	30,000.00
Elba	30,000.00

Total	90,000.00
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The above appropriations shall be paid from the State General Fund.

- (b) For the fiscal year ending September 30, 1966:

For the erection, construction and equipping of an office building for the State Military Department at Montgomery.....	350,000.00
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The above appropriation shall be paid from Armory Commission funds and shall include the appropriation made to the Armory Commission under Section 2, III A (25) (f) of the General Appropriation Act for the Fiscal year ending September 30, 1966.

Section 3. FARMERS' MARKET AUTHORITY:

There is hereby appropriated to the Farmers' Market Authority, for the purpose of acquiring, erecting, constructing, and equipping farmers' markets, for each of the fiscal years ending September 30, 1966 and September 30, 1967, the sum of \$100,000.00.

The appropriation hereinabove made shall be payable to the Farmers' Market Authority contingent upon the enactment into law of SB 99 or HB 597 of the 1965 Regular Session. Provided, however, in the event said Senate Bill or said House Bill is not enacted into law, the above appropriation shall be paid to the Agriculture Center Board for the purposes above stated.

The above appropriation shall be paid from the State General Fund.

Section 4. MOUND STATE PARK:

There is hereby appropriated to the University of Alabama Museum Fund the following amount for the purpose stated.

For the fiscal year ending September 30, 1966:

For the erection, construction, and equipping of a temple at Mound State Park	35,000.00
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The above appropriation shall be paid from the State General Fund.

Section 5. FORT MORGAN HISTORICAL COMMISSION:

For the fiscal year ending September 30, 1966:

For the construction, erection and equipping of a museum at Fort Morgan	40,000.00
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The above appropriation shall be paid from the State General Fund.

Section 6. STATE HEALTH DEPARTMENT:

For the fiscal year ending September 30, 1966:

For construction, alteration and equipping of shellfish sanitation laboratory facilities at Mobile.	15,000.00
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The above appropriation shall be conditional upon the condition of the General Fund and the approval of the Governor.

For the fiscal year ending September 30, 1966:

For the construction, reconstruction, alteration and equipping of a tuberculosis sanatorium for recalcitrant patients to be located in Jackson County	120,000.00
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Provided, however, that of the above appropriation \$100,000 shall be expended only to match Hill-Burton Funds.

The above appropriation shall be conditional upon the condition of the General Fund and the approval of the Governor.

Section 6A. ALABAMA STATE FAIR AUTHORITY:

For the fiscal year ending September 30, 1966:

For aiding in the construction of a livestock pavilion barn at the state fair grounds	10,000.00
The above appropriation shall be paid from the General Fund upon approval of the Governor.	

Section 7. DEPARTMENT OF CONSERVATION:

(a) Game and Fish Division:

For the fiscal year ending September 30, 1966:

For the construction of a public fishing lake in Franklin County	25,000.00
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For the construction, reconstruction, alteration, and improvement of a dam, for topsoil, landscaping and guardrails at DeSoto State Park ...	20,000.00
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For the construction of hatchery ponds and water supply systems at Eastaboga Fish Hatchery	60,000.00
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For the construction of public access areas and public fishing lakes	107,900.00
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For the purchase and acquisition of land for public hunting purposes	70,000.00
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For building im-	
provements	40,000.00
For shelter erection	25,000.00
For construction of	
hunter access roads	20,000.00
For the constructing	
and equipping of a	
radio communica-	
tions system	100,000.00

Total	467,900.00
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For the fiscal year
ending September
30, 1967:

For building im-	
provements	28,195.97
For construction of	
hunter access roads	20,000.00
For the construction	
and equipping of a	
radio communica-	
tions system	125,000.00

Total	173,195.97
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The above appropri-
ations to be paid
from the Game and
Fish Fund.

(b) Division of Fores-
try:

For the fiscal year
ending September
30, 1966:

For an addition to	
the radio shop	5,000.00
For the construction	
of 10 Quonset huts	8,000.00
For the construction	
of sanitary facilities	2,000.00
For the purchase of	
two tower sites	400.00

Total	15,400.00
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For the fiscal year
ending September
30, 1967:

For an addition to the Auburn Nursery dwelling	2,812.00	
For addition to Lawrence Tower dwelling	2,500.00	
For construction of sanitary facilities	2,000.00	
For the purchase of two tower sites	400.00	
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Total		7,712.00
The above appropriation to be paid from the Forestry Fund.		

(c) Parks Division:

For the fiscal year ending September 30, 1966:

For construction of tent camping area at Oak Mountain State Park	10,000.00	
For construction of tent camping area at Chewacla State Park	20,000.00	
For the establishment of a Confederate Memorial Park at Mountain Creek, Alabama (This appropriation to be expended for the purposes designated by Act No. 225 of the 1964 First Special Session)	15,000.00	
For the construction of a tent camping area at DeSoto State Park	30,000.00	
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Total	75,000.00
The above appropriations to be paid from the State Parks Fund.	

(d) Water Safety Division:

For the fiscal year
ending September
30, 1966:

For marking the River Channel in Weiss Lake	30,000.00
For the erection and construction of 12 Boat Houses	24,000.00
For the erection and construction of Piers and Ramps	10,600.00
For the purchase and placement of Buoys and Signs	15,500.00

Total	80,100.00
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For the fiscal year
ending September
30, 1967:

For the purchase and placement of Buoys and Signs	12,000.00
For the erection and construction of Piers and Ramps	8,000.00

Total	20,000.00
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The above appropri-
ation shall be paid
from the Water
Safety Fund.

(e) Seafoods Division:

For the fiscal year
ending September
30, 1966:

For improving oys- ter beds	30,000.00
For seafood labora- tory	110,000.00
For snapper bank development	2,000.00

For oyster rearing stations	8,000.00	
	<hr/>	
Total		150,000.00

For the fiscal year
ending September
30, 1967:

For improving oys- ter beds	28,000.00	
For seafood labora- tory	50,000.00	
For snapper bank development	2,000.00	
	<hr/>	
Total		80,000.00

The above appropri-
ation shall be paid
from the Seafoods
Fund.

The amounts herein appropriated to the several divisions of the Department of Conservation are the maximum amounts to be expended for the purposes herein designated and in no event shall the maximum expenditure provided for any items exceed the amount allocated herein, except in the event of an emergency so determined by the Director of Conservation and the Governor any portion of the amounts herein appropriated may be expended to pay the cost of such emergency.

Section 7A. To Cahaba Historical Commission, from the State General Fund, for each of the fiscal years ending September 30, 1966, and September 30, 1967, for the acquisition of lands and improvements thereof, the sum of \$7,500.00.

Section 8. All appropriations herein made are, and shall be subject to the terms, conditions, provisions and limitations of Title 55, Chapter 4, Article 3, Code of Alabama 1940.

Section 9. This Act shall become effective October 1, 1965.

Approved September 2, 1965.

Time: 6:25 P. M.

Act No. 856

H. 404—Fite

AN ACT

To amend Section 1 of Act No. 602, approved September 18, 1957, relating to the salary of the Attorney General.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 1 of Act No. 602, approved September 18, 1957 be, and the same is hereby amended to read as follows:

"The salary of the Attorney General shall be Eighteen Thousand Dollars (\$18,000.00) per annum. The salary provided for herein shall be payable in installments as the salaries of other state officers are paid, and shall be the full compensation to which the Attorney General is entitled for the performance of his official duties."

Section 2. All laws or parts of laws which conflict with the provisions of this Act are hereby repealed.

Section 3. This Act shall become effective upon the expiration of the term of the incumbent Attorney General.

Approved September 2, 1965.

Time: 6:26 P. M.

Act No. 857

H. 417—Harper, Glass, Wood, Smith, Cantrell, Tuck, Cates, Hannah, Boston, Turner (Crenshaw), Young, Albea, Powell, Snell, Posey, Hester, NeSmith

AN ACT

To regulate the sale of pecans and other nuts sold or offered for sale for human consumption; to prohibit the sale of pecans and other nuts that are inedible or unfit for human food; to provide for the administration and enforcement of this Act and a penalty for violations thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. It shall be unlawful for any person, firm, partnership, corporation or association to sell or offer for sale any insect

infested, mouldy, rancid, decayed, decomposed or otherwise inedible pecans, almonds, Brazil nuts, chestnuts, filberts, walnuts or pistachio nuts to anyone other than to cracking, shelling or other processing plants unless such nuts come within a tolerance to be prescribed by the State Board of Agriculture and Industries for the sale of such nuts.

Section 2. It shall be unlawful for any person, firm, partnership, corporation or association to sell or offer for sale for any purpose pecans or any other nuts designated in Section 1, hereof, when such nuts are commonly known and designated at shelling, grading, cracking or cleaning plants as "blow-outs", "pops", "culls" or rejected nuts unless such nuts are crushed or otherwise denatured to render the nuts unfit for human consumption.

Section 3. It shall be unlawful for any person, firm, partnership, corporation or association to sell or offer for sale pecans or any other nuts designated in Section 1, hereof, in package form unless the package or other container is plainly and conspicuously labeled to show the name of the nuts, the net weight of the nuts and the name and address of the packer or distributor.

Section 4. Any person, firm, partnership, corporation or association who shall violate any provisions of this Act declared to be unlawful shall be guilty of a misdemeanor, and upon conviction, shall be punished as prescribed by law for such an offense.

Section 5. The Commissioner of Agriculture and Industries shall enforce the provisions of this Act and any pecans or other nuts designated in Section 1, hereof, found to be offered for sale or kept for sale in violation of this Act shall be subject to suspension from sale, seizure and condemnation as now provided by law for adulterated or misbranded food or food products pursuant to Article 33 of Chapter 1 of Title 2 of the Code of Alabama of 1940. The State Board of Agriculture and Industries is authorized to adopt and promulgate such rules and regulations as are reasonable and necessary to carry out the evident intent and purpose of this Act. The State Board of Agriculture and Industries is hereby expressly authorized to adopt and promulgate standards and reasonable variations or tolerances for the sale of pecans and other nuts in accordance with Section 1, hereof.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 2, 1965.

Time: 6:27 P. M.

Act No. 858

H. 984—Cantrell, Albea, Blanton, Boston, Bowers, Brown (Tuscaloosa), Campbell (Tuscaloosa), Collins (Jefferson), Collins (Mobile), Drake, Edwards (Escambia), Engel, Fite, Grouby, Hain, Hannah, Harper, Heflin, Hogan, Ingram, Jones (Covington), Jones (Monroe), Locke, McDermott, Meeks, Merrill, Nabors, Nettles, Powell, Rast, Sessions, Smith, Tuck, Turnham, Vacca

AN ACT

To make an appropriation from the State General Fund for the operation and maintenance of the Helen Keller Home at Tuscumbia.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated the sum of \$2,500.00 from the State General Fund for each of the fiscal years ending September 30, 1966 and September 30, 1967 for the operation and maintenance of the Helen Keller Home at Tuscumbia, Alabama.

Section 2. The above appropriation shall be paid to the Helen Keller Property Board upon approval of the Governor.

Section 3. This Act shall become effective October 1, 1965.

Approved September 2, 1965.

Time: 6:28 P. M.

Act No. 859

H. 834—McDermott, Downing, Goldthwaite, Pierce, Nettles, Daniel, Jones (Monroe), Faulk, Grouby, Pennington, Burns, Fite, Engel, Hogan, Edington, Teel, Vacca, Brown (Jefferson), Locke

AN ACT

To provide for appeals from judgments for contempt of court.

Be It Enacted by the Legislature of Alabama:

Section 1. Any attorney or officer who is ordered to be punished for a contempt in the circuit court or other court of like jurisdiction may appeal to the supreme court, and may supersede any fine or sentence imposed, by the execution of a

bond, payable to the state, with two sufficient sureties, to be approved by the tribunal appealed from, in a penalty to be fixed by said tribunal, not exceeding three hundred dollars, conditioned to pay the fine and costs, in case of affirmance in whole or in part; and the appellant shall be entitled to bail in such cases upon the execution of an appearance bond, with two or more such sureties, in the penalty of three hundred dollars, payable to the state, conditioned to appear in the court to which his appeal is prosecuted and to abide the result of such appeal, which may be approved by the sheriff or other officer in whose custody the appellant may be; and on such appeal the question shall be whether the appellant was guilty of contempt; and the sentence or decree or order of the court below may be affirmed, reversed, annulled, or modified, according to the judgment of the appellate court. All such appeals shall be tried on the record, and the presiding officers of all tribunals condemning any person for contempt shall, within one day thereafter, sign bills of exception, if demanded, showing all the facts and evidence upon which such judgment was predicated.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 2, 1965.

Time: 6:29 P. M.

Act No. 860

H.J.R. 193—Powell

HOUSE JOINT RESOLUTION

RESOLVED BY THE HOUSE, THE SENATE CONCURRING, That the bill, S. B. 9, which has passed both houses, be designated and known as "The Merrill, Carter and Cooper (Macon) Bill."

Approved September 2, 1965.

Time: 6:30 P. M.

Act No. 861

H.J.R. 194—Collins (Jefferson), Albea, Avery, Bailes, Baker (Madison), Barnett, Bassett, Bethea (B), Bethea (M), Beville, Blanton, Bowers, Branyon, Brewer, Brown (Jefferson), Brown (Tuscaloosa), Burnham,

Campbell (Jackson), Campbell (Tuscaloosa), Cantrell, Carr, Cates, Cooper, Cornett, Daniel, Doggett, Dominick, Downing, Edington, Edwards (Escambia), Edwards (Lowndes), Fite, Gilmore, Glass, Goodwyn, Grouby, Hain, Hannah, Harper, Hawkins, Hester, Hogan, Ingram, Jones (Covington), Jones (Monroe), Locke, McCorquodale, McDermott, Meade, Meeks, Moore, Morrow, NeSmith, Nettles, Owen, Paulk, Pierce, Powell, Pruitt, Reynolds, Rogers, Salter, Scurlock, Slate, Snell, Stenbridge, Sullivan, Thomas, Tuck, Vacca, Wood

HOUSE JOINT RESOLUTION

WHEREAS Dr. Tinsley Harrison native of Alabama and widely acclaimed Professor of Medicine at the University of Alabama Medical College who has been the recipient of many signal honors including the Silver Medallion in 1952 and the Gold Heart Award in 1961 from the American Heart Association, which organization he served as its first president; and

WHEREAS Dr. Harrison holds membership in numerous national and international organizations of his profession, including The American Academy of Arts and Sciences and The Royal Academy of Medicine. His contributions to medical research have received international recognition, and he is the author of a standard textbook of internal medicine used throughout the world; and

WHEREAS Dr. Harrison was recently cited by this body upon the bestowal upon him of the American Medical Association's Distinguished Service Award in June, 1965, since which time Dr. Harrison has suffered a severe heart attack, and

WHEREAS it has been learned that Dr. Harrison is making a satisfactory and successful recovery from this most unfortunate illness; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body deeply regrets the illness of Dr. Harrison and extends to him its very best wishes for his early and complete recovery.

RESOLVED FURTHER that copies of this resolution be sent to Dr. Harrison and to the Vice President in Charge of

Medical Affairs, University of Alabama; President, University of Alabama; President, American Medical Association; and President, Alabama Medical Association.

Approved September 2, 1965.

Time: 6:31 P. M.

Act No. 862

H.J.R. 134—Locke

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, THE SENATE THEREOF CONCURRING, That,

WHEREAS, Great Men and Great Deeds have created for America an unparalleled heritage and

WHEREAS, these men, their deeds, and the American heritage have throughout the years and to all subsequent generations been a source of inspiration, a challenge to greatness and excellence, a foundation of our faith and a determination to achieve our destiny, and

WHEREAS, in order to perpetuate these deeds and heroes and as constant reminders to all future generations, our public schools should expressly instruct them in suitable courses, as citizens and parents we should pause to commemorate these deeds and heroes. This being so:

BE IT RESOLVED BY THE HOUSE, THE SENATE CONCURRING, That the Alabama Legislature with the approval of the Governor does set aside the month of February as **American History Month**. In order that all Alabama may pause to remember our great men of history and their deeds which constitute our American Heritage. That appropriate instruction be given throughout the year but during that week particular attention be given to the study of history.

Approved September 2, 1965.

Time: 6:32 P. M.

Act No. 863 H. 1061—Pennington, Reynolds, Baker (Madison),
 Brewer, Albea, Bailes, Barnett, Bethea
 (B), Boston, Bowers, Branyon, Brown
 (Tuscaloosa), Burnham, Campbell
 (Tuscaloosa), Campbell (Jackson),
 Cantrell, Casey, Collins (Jefferson),
 Collins (Mobile), Daniel, Davis,

Doggett, Downing, Drake, Edington, Edwards (Escambia), Engel, Gilmore, Glass, Hawkins, Hannah, Hankins, Hester, Hogan, Holladay, Jones (Covington), McDermott, Merrill, Moore, Nabors, Owens, Posey, Pruitt, Rast, Rogers, Salter, Smith, Turner (Crenshaw), Turner (Limestone), Vacca

AN ACT

To provide facilities for displaying certain exhibits in cooperation with the Department of The Army and the National Aeronautics and Space Administration; creating the Alabama Space Science Exhibit Commission as an agency of the State of Alabama and providing for its membership, terms, authority and duties; authorizing the issuance of revenue bonds and general obligation bonds, subject to the approval of the Governor, and providing for the retirement of such bonds; authorizing the allocation and expenditure of funds; and providing exemptions from all taxes.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created and established a state agency to be known as the Alabama Space Science Exhibit Commission, for the purpose of providing for and participating in the management and control of facilities to house and display such visual exhibits of space exploration and hardware used therefor as may be made available by the National Aeronautics and Space Administration. Such facility shall constitute a permanent housing for the National Aeronautics and Space Administration exhibit, which shall be open to the general public and shall be located at a place to be designated and made available in Madison County for a nominal cost through the cooperation of the Department of the Army, or such other location as the Commission may deem appropriate. The commission is further empowered to provide such facilities as will be mutually agreed upon between the Commission and Department of the Army for the housing and display of Army weaponry and mementos of National Defense.

Section 2. The commission created herein shall consist of eighteen members, to be appointed by the Governor, who shall be bona fide residents and qualified voters of this State, at least three of whom shall be residents of Madison County. The remaining members of the commission shall be appointed from throughout the State in such manner as to provide general statewide representation on the commission, but all members shall be qualified persons of unquestioned loyalty to this country who are knowledgeable and interested in national defense and space exploration and in the promotion of interest in such fields. Nine of the original members shall be appointed for terms of four

years and nine members shall be appointed for terms of eight years. Thereafter, all members shall serve for terms of eight years. All members shall serve until their successors are appointed and qualified, but any member may be removed by the Governor for just cause. Vacancies shall be filled in the same manner as original appointments are made. The first chairman of the commission shall be appointed by the Governor from among the original appointees. Thereafter, each succeeding chairman shall be selected by the other members of the commission. Members of the commission shall serve without compensation but shall be entitled to reimbursement for actual expenses incurred in the performance of the duties of the commission. The commission shall hold at least one annual meeting at the site of the exhibit, and one-half of the members shall constitute a quorum for the transaction of any business which may properly come before the commission at any such meeting. The commission shall have the right to adopt such rules and regulations as may be necessary to carry out the effect and purposes of this Act, and shall be authorized to provide for an executive committee of not fewer than five of its members to whom it may delegate such powers and authority as the commission may deem to be advisable.

Section 3. The commission shall be authorized:

1. To investigate and select an available site for housing the exhibits, including the surrounding grounds, in cooperation with the Department of The Army and the community, taking into consideration all pertinent factors affecting the suitability of such site;

2. to acquire by rent or lease agreement or otherwise, the necessary housing facilities; and to establish, improve and enlarge the available facility, including providing it with necessary equipment, furnishings, landscaping, and related facilities, including parking areas and ramps, roadways, sewers, curbs, and gutters;

3. to enter into such contracts and cooperative agreements with the local, state, and federal government, with agencies of such governments including the Department of The Army and the National Aeronautics and Space Administration, with private individuals, corporations, associations, and other organizations, as the commission may deem necessary or convenient to carry out the purposes of this Act, with such contracts and agreements to include leases to private industry;

4. to borrow money from private sources or such other source as may be acceptable to the commission under such terms and conditions as may be provided by law, and, in order to provide security for the repayment of any such private loans,

the commission shall have the authority to pledge such future revenues from admissions and any other sources as may from time to time, be necessary or desirable;

5. to issue and sell, subject to the approval of the Governor, interest bearing general obligation bonds not in excess of one million, nine hundred thousand dollars (\$1,900,000) in principal amount, as authorized by constitutional amendment. Such bonds shall be general obligations of the State of Alabama with the full faith and credit and taxing power of the State to be pledged to the prompt and faithful payment of the principal of the bonds and the interest thereon. The proceeds from the sale of such bonds shall be used exclusively for the purpose of paying the expenses incurred in the sale and issuance thereof and for the construction, establishment, improvement or enlargement and equipment of building facilities and related grounds including the renewal or replacement of structural parts of such facility, but not including the purchase of the site for such facility;

6. to issue and sell at any time and from time to time its revenue bonds for the purpose of providing funds to acquire, enlarge, improve, equip and maintain a facility, and for the payment of obligations incurred for such purposes. The principal and interest on any such revenue bonds shall be payable solely out of the revenues derived from the project;

7. to make such contracts in the issuance of its bonds as may seem necessary or desirable to assure their marketability and to provide for their retirement by a pledge of all or any revenue which may come to the commission from the investment of the proceeds of the sale of such bonds or from any other source whatsoever;

8. to accept public or private gifts, grants and donations;

9. to acquire property by purchase, lease, gift, or license, but not to include the purchase of a site for the facility;

10. to allocate and expend funds from all donations, income and revenue from any source whatsoever coming into its treasury, for the fulfillment and accomplishment of its duties and responsibilities in such manner as may be necessary and appropriate for the perfection of the purposes of this Act;

11. to sell, convey, transfer, lease or donate any property, franchise, grant easement, license or lease or interest therein which it may own, and to transfer, assign, sell, convey or donate any right, title or interest which it may have in any lease, contract, agreement, license or property;

12. to employ an executive director and such additional

personnel as may be necessary to accomplish the purposes of this Act; to define their duties, and to fix their compensation;

13. to make such rules and regulations as the commission may deem necessary and desirable to provide for the operation, management and control of the facility in cooperation with the Department of The Army and with the National Aeronautics and Space Administration;

14. to perform such other acts necessary or incidental to the accomplishment of the purposes of this Act whether or not specifically authorized in this section, and not otherwise prohibited by law.

Section 4. All bonds shall be issued, subject to the approval of the Governor, in such forms, denominations, series and numbers, may be of such tenor and maturities, may bear such date or dates, may be in registered or bearer form either as to principal or interest or both with rights of conversion into another form, may be payable in such installments and at such place or places, may bear interest at such rate or rates payable and evidenced in such manner, and may contain provisions for redemption at the option of the State to be exercised by said commission at such date or dates prior to their maturity and upon payment of such redemption price or prices, all as shall be provided by said commission in the resolution or resolutions whereunder the bonds are authorized to be issued. The principal of each series of bonds shall mature in annual installments in such amounts as shall be specified in the resolution or resolutions of the said commission under which they are issued, the first of which installments shall mature not later than one year after the date of the bonds of such series, and the last of which installments shall mature not later than twenty years after the date of the bonds of the same series. When each series of bonds is issued, the maturities of the bonds of that series shall, to such extent as may be practicable, be so arranged that during each then succeeding fiscal year of the State the aggregate installments of principal and interest that will mature on all bonds that will be outstanding hereunder, immediately following the issuance of the bonds of that series, will be substantially equal; provided that the determination by the said commission that the requirements of this sentence have been complied with shall be conclusive of such compliance and the purchasers of the bonds with respect to such determination is made and all subsequent holders thereof shall be fully protected thereby. None of the bonds shall be sold for less than face value plus accrued interest thereon to the date of delivery. All of the bonds shall be sold only at public sale or sales, either on sealed bids or at public auction, after such advertisement as may be prescribed by said

commission, to the bidder whose bid reflects the lowest net interest cost to the State computed to the respective maturities of the bonds sold; provided, that if no bid deemed acceptable by the said commission is received, all bids may be rejected. The bonds shall be signed in the name of the State by the Governor and countersigned by the chairman of the commission and the great seal of the State of Alabama or a facsimile thereof shall be impressed, printed, or otherwise reproduced thereon and shall be attested by the signature of the secretary of state; provided that facsimile signatures of any one or any two (but not all) of said officers may be reproduced on such bonds in lieu of their manually signing the same. Coupons attached to the bonds and representing installments of interest thereon shall be signed with the facsimile signature of the state treasurer, which facsimile signature is hereby adopted as due and sufficient authentication of said coupons.

Section 5. The commission, its property and income and all bonds issued by the commission, the income from such bonds, or from the investment of such income, and all conveyances, leases, mortgages, and deeds of trust by or to the commission shall be exempt from all taxation in the State of Alabama.

Section 6. All revenue bonds issued by the commission shall be solely and exclusively the obligations of the commission and shall not create an obligation or debt of the State or of any county or of any municipality within the State.

Section 6(a). Any general obligation bonds shall also be payable from and secured by a pledge of the revenues and income of the commission remaining after the payment of the reasonable and necessary expenses of operating and maintaining the facilities to be constructed by the commission.

Section 7. It shall be the duty of the commission to maintain at all times accurate records and books of account covering revenues and expenditures which shall be subject to the audit of the department of examiners of public accounts.

Section 8. The provisions of this Act shall be construed liberally, it being the purpose to provide in this State appropriate housing facilities for displaying to the general public exhibits of the Department of The Army and of the National Aeronautics and Space Administration and for providing for the management and control of that portion of the display furnished and supplied by the National Aeronautics and Space Administration by such means as may be feasible and agreed upon.

Section 9. The provisions of this Act are severable. If

any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. All laws or parts of laws which conflict with this Act are repealed.

Section 11. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 2, 1965.

Time: 6:33 P. M.

Act No. 864

H. 929—Stembridge

AN ACT

Further amending Section 1 of Act No. 47, Special Session 1961 (Acts 1961, p. 1904) now appearing in Alabama Code, Recompiled 1958, Title 51, Section 12 (2); providing exemptions from taxation and licensing of certain charitable, religious, or civic organizations.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 47, Special Session 1961 (Acts 1961, p. 1904) now appearing in Alabama Code, Recompiled 1958, Title 51, Section 12 (2) is further amended to read as follows:

"Section 1. All Young Men's Hebrew Associations (Y. M. H. A.) also known as Jewish Community Centers (J. C. C.), and all real and personal property of all Young Men's Hebrew Associations (Y.M.H.A.) also known as Jewish Community Centers (J. C. C.), the Seamen's Home of Mobile, incorporated under Act No. 145, Acts of Alabama 1844-45, the Catholic Maritime Club of Mobile, Inc., the Knights of Pythias Lodges, the Salvation Army, Inc., and all real and personal property of the Salvation Army, Inc., the Community Chest of Jefferson County and all real and personal property of the Community Chest of Jefferson County and the Alabama Masonic Home and all real and personal property of the Alabama Masonic Home, the New Hope Industries of Dothan, and all real and personal property of the New Hope Industries of Dothan, and of any branch or department of same heretofore or hereafter organized and existing in good faith in the state of Alabama, for other than pecuniary gain and not for individual profit, when such real or personal property shall be used by such associations, their branches or departments, in and about the conducting, maintaining, operating and carrying out of the program, work, principles, objectives and policies of such associations, their branches or departments, in any

city or county of the state of Alabama, are exempt from the payment of any and all state, county and municipal taxes, licenses, fees and charges of any nature whatsoever, including any privilege or excise tax heretofore or hereafter levied by the state of Alabama or any county or municipality thereof. The receipt, assessment or collection of any fee, admission, service charge, rent, dues or any other item or charge by any such association, its branches or departments, from any person, firm or corporation for any services rendered by any such association, its branches or departments, or for the use or occupancy of any real or personal property of any such association, its branches or departments, in or about the conducting, maintaining, operating and carrying out of the program, work, principles, objectives and policies of any such association, its branches or departments, shall not be held or construed by any court, agency, officer or commission of the state of Alabama, or any county or municipality thereof, to constitute pecuniary gain or individual profit by any such association, its branches or departments, or the doing of business in such a manner as to prejudice or defeat, in any manner, the right and privilege of any such association, its branches or departments, to claim or rely upon or receive the exemption of such association, its branches or departments, and of all real and personal property thereof from taxation, as herein provided."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 3, 1965.

Time: 4:09 P. M.

Act No. 865

H.J.R. 102—Turner (Crenshaw)

HOUSE JOINT RESOLUTION

A CONCURRENT RESOLUTION PETITIONING THE CONGRESS OF THE UNITED STATES TO CALL A CONVENTION FOR THE PURPOSE OF PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES.

WHEREAS, all three branches of the Government of the United States have recognized the existence of the world Communist conspiracy and the fact that the Communist Party, USA, operates as an arm of such conspiracy in seeking to bring about the overthrow of the Government of the United States by force and violence; and

WHEREAS, the operations and activities of the world Communist conspiracy and the Communist Party, USA, have been found to constitute a clear and present danger to the security of the United States; and

WHEREAS, any totalitarian organization controlled or dominated by the world Communist conspiracy or by the foreign nation controlling such conspiracy, or by any agent or agency of such conspiracy or such foreign nation, and having as its purpose or one of its purposes the overthrow of the Government of the United States by force and violence, might well constitute a clear and present danger to the security of the United States; and

WHEREAS, the Congress of the United States by various enactments from time to time has sought to control or counteract the threat of the Communist Party, USA, and its operations and activities, and other similar subversive organizations, operations and activities; and

WHEREAS, the Supreme Court of the United States through various decisions has circumscribed, limited, or invalidated such congressional enactments, on constitutional grounds, with the result that action by the Congress of the United States to counteract or control effectively such clear and present dangers to the security of the United States has been rendered virtually impossible: NOW, THEREFORE,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF ALABAMA, THE SENATE CONCURRING THEREIN, That this Legislature respectfully petitions the Congress of the United States to call a convention for the purpose of proposing the following article as an amendment to the Constitution of the United States:

“ARTICLE_____

“SECTION 1. Notwithstanding any other provision of the Constitution, the Congress shall have power to declare illegal, or order the dissolution of, or provide for control of, any activity or activities of the Communist Party, USA, or any successor thereto, or any other organization, which the Congress finds (1) is totalitarian in nature, (2) is substantially controlled by the world Communist conspiracy or by the foreign nation controlling such conspiracy or by any agent or agency of such conspiracy or such foreign nation, and (3) has as its purpose or one of its purposes the overthrow of the Government of the United States by force and violence, whenever the Congress shall find that such organization or its activity or activities constitutes a clear and present danger to the security of the United States.

"SEC. 2. Notwithstanding any other provision of the Constitution, the Congress may prevent the dissemination within the United States, by or on behalf of any Communist foreign government or any foreign government with which the United States does not have diplomatic relations, of such propaganda as the Congress may determine to be detrimental to the national security or contrary to the national interest.

"SEC. 3. The Congress may provide for the summary expulsion from the United States, without judicial proceedings, of any agent or representative of any such foreign government who is not a citizen of the United States and who is engaged in the dissemination of any such propaganda.

"SEC. 4. The Congress shall have power to enforce, by such legislation as it shall deem appropriate, the provisions of this article."

BE IT FURTHER RESOLVED, That duly attested copies of this resolution shall be immediately transmitted to the President of the Senate of the United States, to the Speaker of the United States House of Representatives, to the Secretary of the Senate of the United States, to the Clerk of the United States House of Representatives, and to each Member of the Congress of the United States from this State.

Approved September 3, 1965.

Time: 3:30 P. M.

Act No. 866

S. 10—Carter

AN ACT

Relating to required coverage in motor vehicle bodily injury liability insurance policies or contracts issued or delivered in this State requiring all such policies or contracts of insurance to include a provision insuring the insured and providing to pay the insured such sum as he may be legally entitled to recover as damages from the owner or operator of an uninsured motor vehicle and providing for the insured to have the right to reject such coverage.

Be It Enacted by the Legislature of Alabama:

Section 1. No automobile liability or moter vehicle liability policy insuring against loss resulting from liability imposed by law for bodily injury or death suffered by any person arising out of the ownership, maintenance or use of a motor vehicle shall be delivered or issued for delivery in this state with respect to any motor vehicle registered or principally garaged in this state unless coverage is provided therein or supplemental thereto, in limits for bodily injury or death set forth in subsection (c) of Section 5, of the Motor Vehicle Safety-Respon-

sibility Act (Code 1958, Title 36, Sec. 74(46)), under provisions approved by the Commissioner of Insurance, for the protection of persons insured thereunder who are legally entitled to recover damages from owners or operators of uninsured motor vehicles because of bodily injury, sickness or disease, including death, resulting therefrom; provided, that the named insured shall have the right to reject such coverage; and provided further, that unless the named insured requests such coverage in writing, such coverage need not be provided in or supplemental to a renewal policy where the named insured had rejected the coverage in connection with the policy previously issued to him by the same insurer.

Section 2. This act shall become effective January 1, 1966.

Approved September 3, 1965.

Time: 4:01 P. M.

Act No. 867

S. 210—Smith

AN ACT

To better provide for the public health by providing for the regulation and approval of schools of nursing, for the examination, regulation and licensing of professional and practical nurses; to create and define the powers of the Board of Nursing and the Advisory Council for practical nursing; to provide for the appointment and prescribe the terms of office, duties and compensation of members of such Board and of such Council; to provide for disciplining licensees and for appeals from decisions of the said Board; to prescribe penalties for violation of the provisions of this Act; and to make further provisions for the purpose of carrying out this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. **Purpose.** — In order to safeguard life and health, any person practicing or offering to practice professional nursing or practical nursing in this state, for compensation, shall hereafter be required to submit evidence that he or she is qualified so to practice and shall be licensed as hereinafter provided. After January 1, 1968, it shall be unlawful for any person not licensed under the provisions hereof to practice or offer to practice professional nursing, for compensation, in this state. After January 1, 1971, it shall be unlawful for any person not licensed under the provisions hereof to practice or offer to practice practical nursing, for compensation, in this state. It shall be unlawful for any person employed for compensation and not licensed under the provisions hereof to use any sign, card or device to indicate that such person is a professional registered nurse or a licensed practical nurse.

Section 2. Definition. — As used in this Act, the word "Board" means the Board of Nursing created hereunder. The term "Advisory Council" means the Advisory Council created hereunder. The term "practice of professional nursing" means the performance, for compensation, of any acts in the observation, care and counsel of the ill, injured or infirm, or in the maintenance of health or prevention of illness of others or in the supervision and teaching of other personnel, or the administration of medications and treatments as prescribed by a licensed physician or a licensed dentist; requiring substantial specialized judgment and skill and based on knowledge and application of the principles of biological, physical and social science. The foregoing shall not be deemed to include acts of diagnosis or prescription of therapeutic or corrective measures. The term "practice of practical nursing" means the performance, for compensation, of acts in the care of the ill, injured or infirm under the direction of a licensed professional nurse or a licensed physician or a licensed dentist; and not requiring the substantial specialized skill, judgment and knowledge required in professional nursing. "Licensed professional nurse" shall mean a person who has been licensed to practice professional nursing. "Licensed practical nurse" shall mean a person who has been licensed to practice practical nursing.

Section 3. BOARD OF NURSING. There is hereby created the Board of Nursing, which shall be composed of six (6) members to be appointed as hereinafter provided for, which shall have the duties and powers hereinafter enumerated. The Governor shall appoint the members of the Board for terms as follows:

One for a term of one year;

One for a term of two years;

Two for a term of three years, and

Two for a term of four years.

As the terms of the members expire, their successors shall be appointed for terms of four years each. Vacancies in unexpired terms shall be filled in the same manner as original appointments are made. No member shall be appointed to more than two consecutive terms of four years each. Five (5) members of the Board shall be licensed professional nurses and one (1) member of the Board shall be a licensed practical nurse. The Governor shall appoint the members of the Board who are to be licensed professional nurses from a list of nominees furnished him by the Board of Directors of the Alabama State Nurses' Association and such list, when furnished,

shall contain at least twice the number of nominees as there are appointments to be made or vacancies to be filled. The Board of Directors of the Alabama State Nurses' Association shall, on or before December 1st of each year, or at such other times as necessary, furnish the Governor with a list of licensed professional nurses qualified for appointment to the Board, and the Governor shall appoint the members of the Board from the list of nominees so submitted. The Governor shall appoint the member of the Board who is to be a licensed practical nurse from a list of nominees furnished him by the Board of Directors of the Licensed Practical Nurses Association of Alabama and such list, when furnished, shall contain at least twice the number of nominees for the vacancy to be filled. The Board of Directors of The Licensed Practical Nurses Association of Alabama shall on or before December 1 of each year, or at such other times as necessary, furnish the Governor with a list of licensed practical nurses qualified for appointment to the Board, and the Governor shall appoint the member of the Board from the list of nominees so submitted. The Governor may remove any member from the Board for neglect of duty of the Board, incompetency or unprofessional or dishonorable conduct. Each person appointed to the Board as a licensed professional nurse shall be a citizen of the United States and a resident of the State of Alabama and shall have these additional qualifications: Be a graduate of a state approved educational program for the preparation of practitioners of professional nursing; be a currently licensed professional nurse in Alabama; have a minimum of five years successful nursing experience in an administrative or a teaching capacity and shall be actively engaged in professional nursing in this state immediately preceding appointment. Each person appointed to the Board as a licensed practical nurse shall be a citizen of the United States and a resident of the State of Alabama and shall have these additional qualifications: Be a graduate of a state approved vocational educational program for the preparation of practitioners of licensed practical nursing; hold a diploma from an accredited high school or its equivalent; be a currently licensed practical nurse in Alabama; have a minimum of five years successful nursing experience; and shall be actively engaged in licensed practical nursing in this state immediately preceding appointment.

It is provided, however, in order to insure continuity of administration, that the present five (5) professional nurse members of the Board of Nurses' Examiners and Registration shall continue to serve to completion the term for which they are now serving, and the Governor shall appoint new members to the Board of Nursing for any of the initial terms hereinabove set forth. In addition, the Governor shall appoint the

initial member of the Board who is to be a licensed practical nurse in the manner as herein provided for an initial term of three years."

The Board shall have the following powers and perform the following duties: It shall meet at least once a year and shall, at its organizational meeting and at its annual meetings thereafter, elect from its members a President, a Vice-President and a Secretary. It may hold such other and additional meetings during any year as it deems necessary for the transaction of business. A majority of the Board, including one officer, shall constitute a quorum at any meeting.

The Board is authorized to:

(1) Adopt and, from time to time, revise such rules and regulations, not inconsistent with law, as may be necessary to enable it to carry into effect the provisions of this Act;

(2) Prescribe standards and approve curricula for educational programs preparing persons for licensure under this Act;

(3) Provide for surveys and evaluations of such programs at such times as it may deem necessary;

(4) Approve such programs as meet the requirements of this Act and of the Board; provided, however, that in practical nursing programs conducted under the auspices of the State Board of Education, it shall consult with the Board of Education in the approval of such programs of said Board;

(5) Deny or withdraw approval from educational programs for failure to meet prescribed standards;

(6) Examine, license, and renew the licenses of duly qualified applicants and require employees to submit listings of personnel covered by this Act to the Board upon request;

(7) Conduct hearings upon charges calling for discipline of a licensee or revocation of a license;

(8) Have the power to issue subpoenas, compel the attendance of witnesses, and administer oaths to persons giving testimony at hearings;

(9) Cause the prosecution of all persons violating the provisions of this Act and incur such necessary expenses therefor;

(10) Keep a confidential record of all its proceedings;

(11) Keep a register of all licensees;

(12) Make an annual report to the Governor;

(13) Appoint and employ a qualified person, not subject to the State Merit System, who shall not be a member of the Board, to serve as Executive Officer;

(14) Define the duties and fix the compensation for the Executive Officer;

(15) Employ such other persons as may be necessary to carry on the work of the Board and provide for appropriate bonding of employees; regular employees of the Board shall be employed subject to the State Merit System in effect upon the effective date of this Act or at the time of employment;

(16) Employ consultants, specialists, counsel or other specially qualified persons under contract or on a part time basis to assist it in administering this Act and without regard to the State Merit System in effect at or after the effective date of this Act and to pay for the services of such persons.

(17) Accept gifts and grants upon terms and conditions imposed by it through official resolutions;

(18) Perform such other duties, not inconsistent with law, as required by this Act to foster and improve nursing and the regulation thereof and the public health of this state;

(19) Expend funds of the Board in exercising its powers and duties and in administering this Act.

The Board of Nurses' Examiners and Registration is hereby abolished.

The Executive Officer, employed by the Board as provided for herein, shall be a citizen of the United States and a person of the highest integrity and shall possess these additional qualifications:

Be a licensed professional nurse in Alabama or eligible for licensure and be a graduate of a professional nursing program approved by the State in which the program was completed, and have had a varied experience in nursing, including at least five years experience in an administration or teaching capacity.

The Executive Officer shall be bonded for the faithful performance of the duties of the office in the sum of not less than Five Thousand (\$5,000.00) Dollars, and the premium of the bond shall be paid out of the funds of the Board.

Each member of the Board shall receive Fifteen (\$15.00) Dollars per day for attendance at the Board meetings, together with necessary travel and other expenses incurred in the discharge of his or her duties as a Board member. In addition,

any member of the Board engaged in duties, under the direction of the Board, shall receive Fifteen (\$15.00) Dollars per day and necessary expenses.

Section 4. ADVISORY COUNCIL FOR PRACTICAL NURSING. — There is hereby created an Advisory Council for practical nursing. The purpose of this Council shall be to confer and discuss with the Board on matters pertaining to practical nursing. The Advisory Council shall consist of five (5) members, four of whom shall be licensed practical nurses and one a hospital administrator. The licensed practical nurse members shall be appointed by the Board of Directors or other governing body of the Licensed Practical Nurses Association of Alabama, and the hospital administrator member shall be appointed by the Board of Directors or other governing body of the Alabama Hospital Association. Each member shall be appointed for a term of four years. No member shall be appointed to more than two consecutive terms of four years each. Their successors shall likewise be appointed for a term of four year and any vacancies in unexpired terms shall be filled in the same manner as original appointments are made. The Advisory Council shall hold at least one meeting annually and shall meet at any other time upon the call of the President of the Board. Members of the Advisory Council shall receive Fifteen (\$15.00) Dollars per day for attendance at its meetings or in the discharge of their official duties, together with necessary travel and other expenses incurred. It is provided, however, in order to insure continuity of administration, that the present members of the Advisory Council shall continue to serve to completion the term for which they are now serving.

The Advisory Council, created by Act No. 292, approved July 9, 1945, General Acts of Alabama, 1945, page 482, is hereby abolished.

Section 5. LICENSED PROFESSIONAL NURSES (REGISTERED NURSES).—An applicant for a license to practice professional nursing as a registered nurse shall submit to the Board written evidence of qualification, verified by oath, that said applicant is of good moral character, holds a diploma from an accredited high school or the equivalent thereof, in the opinion of the Board, and has successfully completed an educational program in a state approved school of nursing, and is a citizen of the United States or has legally declared the intention of becoming a citizen. A license to practice professional nursing as a registered nurse may be obtained in the following manners:

- (1) **By Examination.** — The applicant shall be required

to pass an examination on such subjects as the Board may determine and, upon successfully passing such examination, the Board shall issue such applicant a license.

(2) By Endorsement. — The Board may issue a license to practice professional nursing as a registered nurse to an applicant who has been duly licensed as a registered nurse under the laws of another state, territory or foreign country, if, in the opinion of the Board, such applicant meets the qualifications required of registered nurses in this state at the time of his or her graduation.

(3) By Waiver. — Applications for license under this provision shall be made on or before January 1, 1968. The Board may issue a license to practice as a registered nurse to a person who, on the effective date of this Act, does not hold a valid license to practice professional nursing in this state but who has completed a professional nursing educational program which was approved by an official licensing agency and who, in the opinion of the Board, is otherwise qualified, and who has practiced professional nursing in this state for at least three (3) years within the five-year period preceding January 1, 1968, and who passes an examination given by the Board.

(4) By Temporary Permit. — The Board may issue temporary permits to practice professional nursing to graduates of approved schools of nursing pending completion of licensing procedures; to qualified applicants pending licensure procedures under Paragraph (2) above, captioned "By Endorsement"; and to those nurses licensed by other states who will practice in this state for a period of one year or less, subject to the discretion of the Board.

Any person who holds a license to practice professional nursing as a registered nurse in this state, shall have the right to use the title "Registered Nurse" and the abbreviation "R.N." No other person shall assume or use such title or abbreviation or other words, letters, signs or devices to indicate that the person using same is licensed to practice professional nursing as a registered nurse.

Any person holding a license or certificate of original registration to practice nursing as a registered nurse, issued by the Board of Nurses' Examiners and Registration, created by Act No. 96 of the Regular Session of the Alabama Legislature, 1945, and which was valid on December 31, 1965, shall be eligible for licensing to practice professional nursing as a registered nurse under the provisions of this Act.

Section 6. LICENSED PRACTICAL NURSES.—An appli-

cant for a license to practice practical nursing as a licensed practical nurse shall submit to the Board written evidence of qualification, verified by oath, that said applicant is of good moral character, shall be a high school graduate and hold a diploma from an accredited high school, or the equivalent thereof, in the opinion of the Board, and has successfully completed an educational program of at least one year's duration in a state approved school of practical nursing, or the equivalent thereof, in the opinion of the Board, and is a citizen of the United States or has legally declared the intention of becoming a citizen. A license to practice as a licensed practical nurse may be obtained in the following manners:

(1) By Examination.—The applicant shall be required to pass an examination on such subjects as the Board may determine and, upon successfully passing such examination, the Board shall issue such applicant a license.

(2) By Endorsement.—The Board may issue a license to practice practical nursing as a licensed practical nurse to an applicant who has been duly licensed as a licensed practical nurse (irrespective of the title or designation granted when such license was issued) under the laws of another state, territory or foreign country, if, in the opinion of the Board, such applicant meets the requirements for licensed practical nurses in this state at the time of his or her graduation.

(3) By Waiver.—Application for license under this provision shall be made on or before January 1, 1971. The Board may issue a license to practice as a licensed practical nurse to a person who, on the effective date of this Act, does not hold a valid license to practice practical nursing in this state but who, in the opinion of the Board, is otherwise qualified, and who has practiced practical nursing in this state for at least three (3) years within the five-year period preceding the application for license under this sub-section, and who passes an examination given by the Board.

(4) By Temporary Permit.—The Board may issue a temporary permit to practice practical nursing as a licensed practical nurse to graduates of approved schools of practical nursing pending the completion of licensing procedures in Alabama; to qualified applicants pending licensing procedures under Paragraph (2) above, captioned "By Endorsement".

Any person who holds a license to practice practical nursing as a licensed practical nurse in this State shall have the right to use the title "Licensed Practical Nurse" and the abbreviation "L.P.N." No other person shall assume or use such title or abbreviation or any other words, letters, signs or devices to

indicate that the person using the same is licensed to practice practical nursing as a licensed practical nurse.

Any person holding a license or certificate of original registration to practice practical nursing as a licensed practical nurse, issued by the Board of Nurses' Examiners and Registration and issued by said Board under the provisions of Act No. 292 of the Regular Session of the Alabama Legislature, 1945, as amended, and which was valid on the effective date of this Act, shall hereafter be eligible for licensing to practice practical nursing as a licensed practical nurse under the provisions of this Act. It is further provided that licenses issued under the aforementioned Act No. 292 shall be valid for the term shown thereon.

Section 7. RENEWAL OF LICENSES.—The license of every professional nurse licensed under the provisions of this Act shall be renewed annually and the license year shall be the calendar year. Applicants for renewal shall apply for and complete the renewal application and forward same to the Board, along with the renewal fee, between October 1st and December 31st of each year. The Board shall examine and verify the accuracy of the application and, if in order, shall issue a renewal receipt for a license year beginning on January 1st.

The license of every practical nurse licensed as a licensed practical nurse under the provisions of this Act, shall be renewed annually and the license year shall be from October 1st through September 30th of each year. Applicants for renewal shall apply for and complete the renewal application and forward same to the Board, along with the renewal fee, between July 1st and September 30th of each year. The Board shall examine and verify the accuracy of the application and, if in order, shall issue a renewal receipt for the license year beginning October 1st.

Any person practicing nursing, who allows his or her license to lapse, by failing to renew, as hereinafter provided, may be reinstated and licensed by the Board upon satisfactory explanation of such failure and upon payment of the required fees.

After January 1, 1968, it shall be unlawful for any person to practice professional nursing in this state during the time his or her license so to practice has lapsed, and such person shall be subject to the penalties of this Act. After January 1, 1971, it shall be unlawful for any person to practice practical nursing in this state during the time his or her license so to practice has lapsed, and such person shall be subject to the penalties of this Act.

A nurse not actively practicing professional nursing in Alabama, or not actively practicing practical nursing in Alabama, shall not be required to renew his or her license; but such person

shall, prior to resuming the practice of professional nursing, or the practice of practical nursing, for compensation, submit evidence of inactive status in Alabama to the Board and secure a renewal license before re-engaging in the active practice of professional nursing or in the active practice of practical nursing, as the case may be.

Section 8. FEES AND CHARGES.—The Board shall charge the following fees for its services under this Act, to-wit:

Original examination for license to practice professional nursing	\$20.00
Re-examination for license to practice professional nursing	10.00
Licensing by endorsement to practice professional nursing	20.00
Licensing under waiver provision hereof to practice professional nursing	20.00
Renewal of license to practice professional nursing	4.00
Original examination for license to practice practical nursing	\$15.00
Re-examination for license to practice practical nursing	10.00
Licensing by endorsement to practice practical nursing	15.00
Licensing under waiver provision hereof to practice practical nursing	15.00
Renewal of license to practice practical nursing	4.00
Late renewal fee of all licenses	1.00
(This fee is in addition to annual renewal fee.)	
Issuance of temporary permits to practice professional or practical nursing (at the discretion of the Board)	5.00
Certification of Alabama licensure	2.90
Evaluation of high school record	1.00
Transcript of nursing school record	1.00
Miscellaneous services involving issuance of documents	1.00

Section 9. FUNDS OF THE BOARD.—All funds and revenues of whatever kind authorized or collected under the provisions of this Act or the regulations of the Board shall be collected by the Board and shall be handled in accordance with

existing regulations and accounting procedures of State Departments and deposited in the Board's trust fund in the State Treasury. Disbursements and withdrawals of such funds by the Board shall be made in accordance with existing regulations and accounting procedures of State Departments. The Board shall pay all of its expenses from its own funds and no expenses shall be borne by the State of Alabama from general funds of the State.

All the rights, duties, powers and authority now or hereafter vested by law in the Board of Nurses' Examiners and Registration are hereby transferred to and vested in the Board of Nursing and all rights, powers, duties and authorities, whether clerical, executive, administrative, judicial or quasi-judicial, now vested by law in the Board of Nurses' Examiners and Registration, shall be vested in the Board of Nursing hereby created and shall be exercised by it, together with any additional rights, powers and authorities herein given or created by this Act. The jurisdiction, functions, funds, effects and personnel of the Board of Nurses' Examiners and Registration are hereby transferred to the Board of Nursing and covered with their current status. No unexpended funds of the Board of Nurses' Examiners and Registration or the Board of Nursing shall ever revert to the State of Alabama but shall remain the property of the Board of Nursing.

There is hereby appropriated from the funds of the Board of Nurses' Examiners and Registration to the Board of Nursing, created hereunder, the sum of Ten Thousand (\$10,000.00) Dollars for the fiscal year 1965-66, and the sum of Twenty Thousand (\$20,000.00) Dollars for the fiscal year 1966-67, and said funds may be expended in the discretion of the Board of Nursing for payment of salaries, fees for services, office supplies and expenses, travel expenses, rents, motor vehicle expenses, employee retirement and Social Security taxes, and miscellaneous expenses of the Board, and said appropriations for the said years are in addition to and are to be added to any appropriation now existing or hereafter made to the Board of Nurses' Examiners and Registration or the Board of Nursing, it being the purpose of this provision to supplement the appropriations made or hereafter to be made for the fiscal years 1965-66 and 1966-67.

Section 10. NURSING EDUCATIONAL PROGRAMS.—An institution desiring to conduct a nursing educational program to prepare professional or practical nurses shall apply to the Board and submit evidence that: It is prepared to carry out the perscribed minimum standards to educate students in professional nursing or in practical nursing, and that it is prepared to meet such other standards as shall be established by this Act or by the Board.

The Board shall cause a survey to be made of the institution and its proposed educational program. If the survey reveals and the Board is of the opinion that all requirements for an approved nursing educational program are met, it shall approve the institution.

The Board, as often as deemed necessary, shall survey all nursing educational programs in the state. Should such survey reveal that the institution conducting such nursing educational program is not maintaining the standards required by the Board, notice shall be given to the institution in writing, specifying deficiencies. Should an institution fail to correct the deficiencies to the satisfaction of the Board within a reasonable length of time, the Board shall disapprove the nursing educational program of such institution; provided, however, the institution may again qualify for approval, if all requirements and standards are met.

Section 11. THE BOARD SHALL HAVE THE POWER TO DISCIPLINE LICENSEES.—The Board shall have the power to deny, revoke or suspend any license issued by it upon proof that the licensee: Is guilty of fraud or deceit in procuring or attempting to procure a license; is guilty of a crime involving moral turpitude or of gross immorality that would tend to bring reproach upon the nursing profession; is unfit or incompetent due to personal habits; is habitually intemperate due to the use of alcohol, or is addicted to the use of habit forming drugs to such an extent as to render him or her unsafe or unreliable as a licensee; is mentally incompetent; is guilty of unprofessional conduct of a character likely to deceive, defraud or injure the public in matters pertaining to health, or has wilfully or repeatedly violated any of the provisions of this Act.

Whenever written complaint is made to the Board that a person has committed any of the acts or come within any of the disabilities enumerated in the preceding paragraph, the Board shall hear and determine said complaint; the hearing to be held in Montgomery, Alabama. The person whose qualification is under consideration, shall have not less than twenty (20) days written notice of the time and place of the initial hearing, which notice shall be accompanied by a copy of the complaint; said notice may be served upon the accused by any Sheriff of the State of Alabama and, if said person is out of the state or evades service, or cannot be served in person, then service may be made by mailing, by registered mail, the notice and a copy of the complaint to said person at his last known post office address in this state, and the return shall show that service has been made in this manner.

At the hearing, the complainant and the person whose

qualification is under consideration, and any other person who may be permitted so to do by the Board, shall have the right to introduce all such oral testimony, or written testimony, or both, as the Board may deem relevant to the issues involved, and the right to be heard in person or by counsel, or both. The Board may permit the complaint to be amended, but no amendment shall be permitted which is not germane to the charge or charges sought to be amended or which materially alters the nature of any offense charge. The Board shall have the right to determine all questions as to the sufficiency of the complaint, as to procedure and as to the admissibility and weight of evidence. If the person, whose qualification is under consideration, absents himself or herself, the hearing may proceed in his or her absence.

Any accused, complainant or other party and the Board may subpoena witnesses or pertinent records for the hearing and such subpoenas may be served by any Sheriff of the State of Alabama. Witnesses may be sworn by the President of the Board or by the person discharging the duties of the President. Witnesses testifying at such hearing shall, upon discharge as a witness, be paid by the Board the sum of Two (\$2.00) Dollars per day for attendance and the actual cost of transportation to and from the place of hearing, but not exceeding the current rate of State Departments for each mile traveled.

Evidence may also be taken by deposition, the commission being issued by the President of the Board, and the law and practice as to depositions in Circuit Courts shall be followed in all reasonable respects.

If the accused is found guilty of the charges, the Board may refuse to issue a license or may revoke, suspend or otherwise discipline the licensee. A revoked or suspended licensee may be considered for re-instatement after one year.

Any person who is denied a license or whose license is ordered suspended or revoked, may appeal to the Circuit Court or a Court of like jurisdiction of the county in which said person resides, from any order of the Board under this section, within thirty days from date of the decision of the Board. The trial of appeals hereunder shall be conducted in like manner, as nearly as may be, as provided for in Title 46, Sections 279-285, inclusive, Code of Alabama, 1940, as amended.

Section 12. This Act does not prohibit: The furnishing of nursing assistance in an emergency; the practice of any legally qualified nurse of another state, who is employed by the United States Government or any Bureau, Division or Agency thereof, while in the discharge of his or her official duties; the practice of nursing by students enrolled in approved schools of nursing,

as may be incidental to their course of study, nor shall it prohibit such students working as nursing aides; persons, including nursing aides, orderlies and attendants, carrying out duties necessary for the support of nursing services, including those duties which involve supportive nursing services performed in hospitals and elsewhere under the direction of licensed physicians or dentists, or under the supervision of professional nurses licensed hereunder, nor gratuitous nursing of the sick by friends or members of the family, nor the care of the sick when done in accordance with the practice of religious principles or tenets of any well recognized church or denomination which relies upon prayer or spiritual means alone for healing.

Section 13. VIOLATION OF ACT; PENALTIES.—Any person or persons, firms, partnerships, associations or corporations, who shall sell or fraudulently obtain or furnish any nursing diploma, license or license renewal or aid or abet therein; or practices nursing as defined in this Act under cover of any diploma, license or renewal license fraudulently obtained or issued under fraudulent misrepresentation, or after January 1, 1968, practices professional nursing as defined in this Act, or after January 1, 1971, practices practical nursing as defined in this Act, unless duly licensed to do so under the provisions hereof; or uses in connection with his or her name any designation implying or tending to imply that he or she is a licensed professional nurse and licensed to practice as a registered nurse, or a practical nurse licensed to practice practical nursing as a licensed practical nurse, unless duly licensed to practice under the provisions of this Act; and after January 1, 1968, practices professional nursing, or after January 1, 1971, practices practical nursing during the time his or her license issued under the provisions of this Act shall be suspended, revoked or has expired; or conducts a nursing education program for the preparation of professional or practical nurses, purporting eligibility of its graduates for license hereunder, unless the program has been approved by the Board; or otherwise violates any of the provisions of this Act, shall be guilty of a misdemeanor and must, upon conviction, be fined not more than \$100.00 for the first offense and for each subsequent offense, upon conviction, be fined not less than \$100.00 nor more than \$200.00, and may also be imprisoned in the County Jail or sentenced to hard labor for the county for not more than one year, at the discretion of the Court.

Section 14. INJUNCTIVE RELIEF.—After January 1, 1968, the practice of professional nursing by any person who has not been issued a license under the provisions of this Act, or whose license has been suspended, revoked or has expired, is hereby declared to be inimical to the public welfare and to

constitute a public nuisance. After January 1, 1971, the practice of practical nursing by any person who has not been issued a license under the provisions of this Act, or whose license has been suspended, revoked or has expired, is hereby declared to be inimical to the public welfare and declared to be a public nuisance. After January 1, 1968, the Board of Nursing or the State of Alabama may apply to any Court of competent jurisdiction for an injunction to enjoin any person from practicing professional nursing, who has not been issued a license to practice professional nursing or whose license therefor has been suspended or revoked or has expired, and after January 1, 1971, the Board of Nursing or the State of Alabama may apply to any Court of competent jurisdiction for an injunction to enjoin any person from practicing practical nursing who has not been issued a license to practice practical nursing or whose license therefor has been suspended or revoked or has expired.

Injunctions under this section shall be applied for in accordance with the civil remedies and procedures of the State of Alabama under Chapter 28, of Title 7, Code of Alabama, 1940, as amended.

Applications for injunctions hereunder shall be in addition to and not in lieu of all penalties and other remedies provided for in this Act.

Section 15. SEVERABILITY.—If any provision, clause, sentence, paragraph, section, phrase or part of this Act, or the application thereof to any person or circumstance, is held invalid, the invalidity shall not effect any other provisions, clauses, sentences, paragraphs, sections, phrases, parts or applications of this Act which can be given effect without the invalid provision, clause, sentence, paragraph, section, phrase, part or application. To this end, the provisions, clauses, sentences, paragraphs, sections, phrases or parts of this Act are declared to be severable.

Section 16. REPEALER.—Those parts of Act No. 96, H. 102, approved June 15, 1945 (General Acts of Alabama, 1945, p. 92), and Act No. 292, S. 292, approved July 9, 1945 (General Acts of Alabama, 1945, p. 482), and any other laws or parts of laws in conflict herewith, are to the extent of such conflict repealed.

This section shall not be construed to affect any offense committed or done, or any penalty incurred, or any rights or contracts existing, or any action pending, or any liability or penalty incurred under the said Acts at the time this Act shall take effect and shall not affect those rights, duties, powers, acts and authority the Board of Nurses' Examiners and Registration

specifically transferred to the Board of Nursing and set out in this Act.

Section 17. This Act shall become effective on January 1, 1966, upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 3, 1965.

Time: 4:02 P. M.

Act No. 868

S. 316—McDow

AN ACT

To amend Section 70 of Title 12 of Code of Alabama 1940, as amended.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 70 of Title 12 of the Code of Alabama 1940, as amended, be and the same is hereby amended to read as follows:

“Section 70. When any county has established the office of county engineer, the state highway director, upon application of the board of revenue or other like governing body of the county, shall authorize the expenditure out of the available funds of the state highway department an amount equal to one-half of the annual salary of such engineer, which shall apply to the payment of the salary of the engineer. It is provided, however, that the amount contributed or paid by the state highway department to any county, not including retirement contributions, shall not exceed \$5,000.00 in any one year.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 3, 1965.

Time: 3:57 P. M.

Act No. 869

S. 467—Montgomery

AN ACT

To apply only in counties having populations of not less than 19,500 nor more than 20,000; regulating the insuring of public school buildings and the contents thereof in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less

than 19,500 nor more than 20,000, according to the most recent federal decennial census, any city or county board of education in such county shall have the authority and is authorized to insure any public school building within its jurisdiction and under its control which may be owned by the state or county or any city in the county together with the equipment, furniture, fixtures, and other property in any such building for the insurable value thereof, with insurance companies of its own choosing and shall not be required to insure such property by or through either the state insurance fund or the state department of finance, any provision of law to the contrary notwithstanding.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 3, 1965.

Time: 3:57 P. M.

Act No. 870

S. 507—Cooper, Clark

AN ACT

To amend Section 4 of Act No. 211, Acts of Alabama 1945, p. 331, as amended by Section 2, Act No. 271, Acts of Alabama 1947, p. 114 and recompiled as Title 22, Section 204(6), Code of Alabama 1940, Recompiled 1958, relating to the public health; providing an Advisory Council to the State Board of Health; and prescribing qualifications of the members of said Advisory Council.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 4 of Act No. 211, Acts of Alabama 1945, p. 331, as amended by Section 2, Act No. 271, Acts of Alabama 1947, p. 114 and recompiled as Title 22, Section 204 (6), Code of Alabama 1940, Recompiled 1958, is further amended to read as follows:

“Section 4. Advisory Council. There shall be established an advisory council, which shall consult with the state board of health as to the policies and regulations necessary for carrying out the purposes of this article. The membership of this advisory council shall consist of: three (3) hospital administrators or persons with broad experience in hospital administration, to be appointed by the Alabama hospital association; one (1) member of the state board of censors, to be appointed by that board; the state health officer, who shall be chairman of the advisory council; the state director of public welfare; the state director

of the planning and industrial development board; the state director of finance; the state attorney general; one (1) member interested in mental health to be appointed by the state mental health association; one (1) member interested in mental health to be appointed by the state mental health authority; one (1) member interested in rehabilitation to be appointed by the Alabama society for crippled children and adults; and twelve (12) members appointed by the governor to represent the interest of the consumers of the services provided by hospitals, health centers, mental health facilities, nursing homes, rehabilitation facilities, and related facilities for the treatment of any type of disease, provided that such members are not to be selected because of factors related to their profession or business, economic gain, or legal responsibilities, and they may not be officials or employees of the state government, but may be legislators. One of the twelve (12) members appointed by the governor shall be appointed from each of the congressional districts and four (4) shall be appointed from the state-at-large. The members of the present advisory council as last established by authority of Act No. 271, Acts of Alabama 1947, p. 114, shall continue in office for the terms for which they have been appointed. Two of the new members appointed by the governor shall serve for one year, three shall serve for two years, and four shall serve for three years. Except as stated above, all appointive members shall be appointed for a period of three years and vacancies shall be filled for the unexpired terms in the manner in which the original appointment was made. The state board of health may from time to time appoint consultants in any field relating to the hospital and medical facilities program. Consultants shall have the rights and prerogatives of regular members except they may not vote. The advisory council shall meet at the call of the chairman or at the written request to the chairman by any five members. All members and consultants shall be paid all expenses incurred in carrying out the functions and duties of the advisory council, and all members and consultants except those employed by the State of Alabama shall be paid twenty-five dollars (\$25.00) for each day they are engaged in the performance of their duties.

"Section 2. This Act shall become effective immediately upon its passage and approval by the governor, or upon its otherwise becoming a law."

Approved September 3, 1965.

Time: 4:06 P. M.

AN ACT

To make an appropriation from the state treasury for the relief of Wilburn Frank Wesson.

Be It Enacted by the Legislature of Alabama:

Section 1. The sum of \$381.79 is hereby appropriated from any funds in the state treasury to the credit of the state highway department, for the relief, use, and benefit of Wilburn Frank Wesson, whose address is Route 2, Fayette, Alabama, to compensate him for personal injuries sustained in a highway traffic accident caused by the negligence of employees of the state highway department on or about October 26, 1962, on U. S. Highway 43. The Legislature finds and declares that the claim of the said Wilburn Frank Wesson is a just and equitable demand which the state highway department is morally obligated to pay, but the claimant has no recourse at law to recover the same.

Section 2. The Highway Director is hereby directed to cause proper vouchers to be prepared and a warrant drawn in favor of Wilburn Frank Wesson in the amount herein appropriated.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 3, 1965.

Time: 4:00 P. M.

Act No. 872 H. 1129—Bethea (M), Rast, Bethea (B), Brown
(Jefferson), Meeks, Vacca, Gilmore,
Sessions, Bowers, Locke, Dominick

AN ACT

TO ESTABLISH IN ANY COUNTY OF THIS STATE HAVING A POPULATION OF 600,000 OR MORE PEOPLE ACCORDING TO THE LAST OR ANY FUTURE FEDERAL CENSUS A BOARD TO REVIEW AND LICENSE THE EXHIBITING OF MOVIES TO MINORS UNDER EIGHTEEN (18) YEARS OF AGE; TO PROVIDE FOR A JUDICIAL DETERMINATION OF THE ISSUE OF FITNESS OF ANY MOVIE OR VIEW FOR VIEWING BY MINORS UNDER EIGHTEEN (18) YEARS OF AGE; AND TO PROVIDE PENALTIES.

Be It Enacted by the Legislature of Alabama:

Section 1. For any county of the State of Alabama which has a population of six hundred thousand or more people, according to the last or any future Federal Census, there shall be a review board composed of seven (7) persons, each of whom

shall be a resident citizen of such county, over twenty-one (21) years of age, and at least one of whom shall be an administrative or law enforcement official in and for such county. Four (4) members of the review board shall be appointed by the Commission or other governing body of such county, **one of these members shall be a representative of the movie exhibitors** and one shall be a representative of an established amateur dramatic group located in the county. Three (3) members of such board, including said administrative or law enforcement official, shall be appointed by the governing body of the largest municipality within such county. It shall be the duty of such administrative or law enforcement official to organize the board and preside over its meetings, and he shall prepare an annual budget which shall provide funds sufficient to maintain and operate said board. Such budget shall be presented for approval to the Commission or other governing body of the county and to the governing body of the largest municipality of such county for their approval, and one-half ($\frac{1}{2}$) of the sum approved by said county and said municipality shall be paid by each of them to said review board for the purpose of maintaining and operating said board. Provided, however, that no member of the review board shall receive any salary or wages or reward for serving on such board but each member shall serve without any monetary compensation therefor. Said members shall serve on said board at the pleasure of the particular authority appointing them.

Section 2. It shall be unlawful to sell, lease, lend or use any motion picture film or view within said county **for exhibition to persons under eighteen (18) years of age** unless said film or view has been submitted by the exchange, owner or lessee of the film or view and duly approved and licensed by said board of review for such showing. **Provided, however, that if an exhibitor voluntarily restricts attendance at showings to those persons eighteen (18) years of age and older, he may inform the board of such restriction in advance and a submission to the board of review will not be required. Also, the board of review may, on the basis of other sources of information than a review of the film or view itself, advise an exhibitor in advance that submission is not required.**

Provided further, however, such approval and license shall not be required for private or educational exhibitions without charge or monetary remuneration.

Section 3. Such films or views **as are required to be submitted** may be presented to the board for examination at any time after they are scheduled to be shown, but prior to actual exhibition.

Section 4. The review board shall examine or supervise the examination of all films or views to be exhibited or used within the county which **are not excused from being submitted to it as provided in Section 2**, and shall approve and license such films or views which are moral and proper for exhibition to persons under eighteen (18) years of age, and shall disapprove for exhibition to persons under eighteen (18) years of age such as are determined to **not be moral and proper for such showing as defined in Section 6**. Notice of such approval or disapproval must be given to the exchange, owner or lessee of the film or view no later than ninety-six (96) hours after its having been actually received by the board for examination, **and failing such notice of approval or disapproval**, said film or view shall be deemed licensed for exhibition to the general public. Such disapproval shall be by a majority of the entire board.

Section 5. For the purposes of this article, "**prurient interest**" shall mean that to the average person **under eighteen (18) years of age**, applying contemporary standards, the **principal appeal of a substantial part in the film or view** is to a shameful interest or morbid interest in nudity, sex or excretion, which **matter** goes substantially beyond customary limits of candor in description or representation of such **subjects**, and the probability of this effect is so great as to outweigh whatever other merits the film or view may possess.

Section 6. If it appears to the Board from the character of the film or view being considered that a **substantial part** of the subject matter of said film or view **would appeal to the prurient interest of persons under eighteen (18) years of age**, said board shall **determine that the film or view is not moral and proper for showing to persons under eighteen (18) years of age** and shall issue a qualified license which will permit exhibition of such film only to those persons who have attained the age of eighteen (18) years.

Section 7. Following notice of disapproval as provided in Section 4, the licensing authority must within seventy-two (72) hours institute an action in equity in the Circuit Court, or any court having equity jurisdiction of the affected county, for an adjudication of the **merits of the film or view**, and the burden of proof shall rest with the complainant and such action shall be a preferred case and either party may demand a jury trial as a matter of right to determine such issue of **prurient interest** vel non. Complainant shall endorse such demand upon the complaint; respondent shall endorse such demand on his initial pleading filed in the cause. Otherwise, all issues shall be tried by the trial judge. The trial court shall supervise the

formulation of the issue by the parties and shall conduct the hearing to guarantee a prompt and speedy trial of such issues. **In any court action hereunder, the circuit solicitor, or one of his assistants, shall serve as legal counsel for the licensing authority.**

Section 8. Upon the filing of the complaint specified in Section 7, the exchangee, owner or lessee of the film shall be named as respondent and shall be entitled to a trial of the issues within one (1) day after joinder of issue, and a final decree shall be rendered by the court within two (2) days of the conclusion of the trial.

Section 9. If the court finds that the matter of the film or view complained of would not appeal in substantial part to the prurient interest when exhibited to persons under eighteen (18) years of age, the court shall dismiss the complaint and the film or view shall be deemed licensed for immediate exhibition to the general public.

If the court finds that a substantial part of the film or view complained of would appeal to the prurient interest when exhibited to persons under eighteen (18) years of age, the court shall issue an order enjoining its showing or exhibiting to the general public within the affected county, and such movies may only be shown those persons eighteen (18) years of age or older.

Section 10. In the event the board of review shall, upon disapproval of the licensing of a film or view submitted for examination, fail to file a complaint as specified in Section 7 of this Article, such film or view shall be deemed licensed for immediate exhibition to the public.

Section 11. Any person who shall exhibit or show any film or view without first submitting such film for examination by the board shall be guilty of a misdemeanor unless excused from such submission by provisions of this Act, and should such exhibition or showing continue for a period longer than one day, each day's continuance shall be deemed a separate and distinct offense.

Section 12. Any person who shall knowingly exhibit any film or view which has been determined fit only for persons who have attained the age of eighteen (18) years, as specified in Section 6, to persons under eighteen (18) years of age, shall be guilty of a misdemeanor, or if the exhibitor has himself voluntarily classified or advertised the film or view as being suitable only for those eighteen (18) years of age or older, he shall likewise be guilty of a misdemeanor under the same conditions. Provided however that if such person shall post at a

prominent place at each entrance to the building or place wherein said film or view is being exhibited a sign not less than sixteen (16) square feet, well illuminated, which shall state **"No person under 18 years of age shall enter these premises. Violators are subject to prosecution and fine."** Movies shown publicly other than in a building or place such as mentioned in this paragraph and the exhibition not being in Interstate Commerce, shall be preceded by notice on the screen or view that such exhibition is for adults only if such be the case. Said person shall be deemed to have not knowingly exhibited said film or views as set out in this section.

Section 13. Any person under the age of eighteen (18) years who shall give a false representation of his age in order to gain admission to such film or view, as specified in Section 6, or who enters any building or place where signs as described in Section 12 are posted shall be guilty of a misdemeanor and shall be fined therefor in an amount not to exceed Twenty-Five Dollars (\$25.00).

Section 14. It is intended that this Act shall supplement existing law, and that only those parts of existing laws that directly conflict herewith shall be repealed.

Section 15. If any section, sentence or other part of this Act is declared invalid, it shall not affect that part which remains.

Approved September 3, 1965.

Time: 3:56 P. M.

Act No. 873

H. 1224—Posey

AN ACT

To levy in Winston County a county privilege, license, or excise tax on the sale, distribution, storage, use, or other consumption in such county of cigarettes and cigars; to require that the tax hereby levied shall be collected by the seller or distributor, added to the sale price of the cigarettes and cigars, and passed on to the purchaser or consumer, and that the price and the tax shall be stated separately on any bill of sale or advertising of such cigarettes and cigars; to provide that the tax shall be in addition to all other taxes now levied by law; to require the affixing of stamps to evidence the payment of the tax, and to provide for obtaining the stamps in the same manner and according to the same rules and regulations that govern the purchasing and affixing of stamps for the payment of the state tobacco tax levied by Title 51, Chapter 20, Article 9, of the Code of Alabama, 1940; to provide for the collection and enforcement of the tax by the state department of revenue in the same manner that the state tobacco tax levied by the above mentioned Article 9 is enforced; to adopt by reference certain provisions of said Article 9, as amended, relative to payment of the tax, records and reports with respect to the tax, and the provisions thereof prescribing penalties for

violations; to provide for the distribution and use of the revenue derived from the tax; to authorize the state department of revenue to make rules and regulations to effectuate the purposes of this Act; and to prescribe additional penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other taxes imposed by law, every person, firm, or corporation who sells, stores, delivers, uses or otherwise consumes cigarettes or cigars in Winston County shall pay a privilege, license or excise tax in the following amounts:

(a) One cent (\$0.01) for each package of cigarettes, made of tobacco or any substitute therefor.

(b) One cent (\$0.01) for each cigar of any description made of tobacco or any substitute therefor.

Provided, however, when the license tax hereby required to be paid shall have been paid by a wholesaler or seller of cigarettes and cigars such payment shall be sufficient, the intent being that such license tax hereby required to be paid shall be paid but once on each package of cigarettes and on each cigar.

Section 2. Every person, firm, corporation, club, or association that sells or stores or receives for the purpose of distribution in Winston County any cigarettes or cigars shall add the amount of the license or privilege tax levied and assessed herein to the price of the cigarettes and cigars, it being the purpose and intent of this provision that the tax levied is, in fact, a levy on the consumer with the person, firm, corporation, club or association, who sells or stores or receives for the purpose of distributing the cigarettes or cigars, acting merely as agent for the collection of the tax. The dealer, storer, or distributor shall state the amount of the tax separately from the price of the cigarettes and cigars on all price display signs, sales or delivery slips, bills and statements which advertise or indicate the price of the cigarettes and cigars. It shall be unlawful for any dealer, storer or distributor engaged in or continuing in the county in the business for which the tax is hereby levied to fail or refuse to add to the sales price and collect from the purchaser the amount due on account of the tax herein provided or to refund or offer to refund all or any part of the amount collected or to absorb or advertise directly or indirectly the absorption of the tax or any portion thereof. Any person, firm, corporation, club or association violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be fined not more than one hundred dollars (\$100.00) or imprisoned in the county jail for not more than sixty days, or by both such fine and imprisonment. Each

act in violation of this section shall constitute a separate offense.

Section 3. The tax hereby levied shall be paid by affixing stamps as is required for the payment of the tax imposed by Title 51, Chapter 20, Article 9, Code of Alabama, 1940, as amended. The state department of revenue shall have the same duties relative to the preparation and sale of stamps to evidence the payment of such tax that it has relative to the preparation and sale of stamps under that article; and may exercise the same powers and perform the same duties in the same manner relative to the collection of the tax hereby levied that it does relative to the collection of that tax.

Section 4. The state department of revenue is hereby authorized to promulgate and enforce rules and regulations to effectuate the purposes of this Act. All such rules and regulations duly promulgated shall have the force and effect of law.

Section 5. All laws, and rules and regulations of the department of revenue, relating to the manner and time of payment of the tax levied by Title 51, Chapter 20, Article 9, Code of Alabama, 1940, as amended, requiring reports from dealers and prescribing penalties for violations shall apply with equal force to the tax levied by this Act as fully as if set out herein.

Section 6. The State Department of Revenue shall charge the county for collecting the special county taxes levied in this Act such an amount, not to exceed ten per cent of the amount collected, as the commissioner of revenue and the governing body of the county may determine. Such charge for collecting the taxes for the county may be deducted each month from the proceeds of the taxes collected before certifying the amount thereof due the county for that month. The commissioner of revenue shall pay into the state treasury all county taxes collected under this Act, as such taxes are received by the department of revenue; and on or before the tenth day of each successive month (commencing with the month following the month in which the department makes the first collections hereunder), the commissioner shall certify to the state comptroller the amount of taxes collected under the provisions of this Act and paid by him into the state treasury for the benefit of the county during the month immediately preceding the making of such certificate. Provided, that before certifying the amount of taxes paid into the state treasury for the benefit of the county during each month, the commissioner may deduct from the taxes collected in such month the charges due the department for the collection of the taxes for the county. It shall be the duty of the comptroller to issue his warrant each month payable to the custodian of the public funds of the county in an amount equal to the amount so certified by the commissioner of revenue

as having been collected for the use of the county. The custodian of county funds shall deposit the revenue derived by the county from the taxes levied herein in the general fund of the county.

Section 7. (a) None of the provisions of this Act shall be applied in such manner as to be in violation of the commerce or other clauses of the federal or state constitution. (b) This statute shall not be construed to apply to cigarettes and cigars stored by a wholesale dealer for the purpose of resale or reshipment outside Winston County which are actually resold or reshipped.

Section 8. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. All laws or parts of laws which conflict with this Act are repealed.

Section 10. This Act shall become effective on the first day of the month next succeeding the date of its enactment.

Approved September 3, 1965.

Time: 4:07 P. M.

Act No. 874

H. 1277—Turner (Limestone)

AN ACT

To alter or rearrange the boundary lines of the Town of Elkmont, Limestone County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Limestone County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the Town of Elkmont, Limestone County, Alabama, shall be altered or rearranged as follows:

All of Section 29, the $E\frac{1}{2}$ of the $NE\frac{1}{4}$, the $N\frac{1}{2}$ of the $NE\frac{1}{4}$ of the $SE\frac{1}{4}$ and the east part of the $W\frac{1}{2}$ of the $NE\frac{1}{4}$ and the east part of the $N\frac{1}{2}$ of the $NW\frac{1}{4}$ of the $SE\frac{1}{4}$ in Section 30 and all in Township 1 South, Range 4 West according to the Government Survey of the State of Alabama and it is more particularly described as follows: Begin at the southeast corner of said Section 29, thence west along the south line of Section 29 for one mile to the southwest corner of said section, thence north along the west line of said Section 29 for $\frac{3}{8}$ mile to the southeast corner of the $N\frac{1}{2}$ of the $N\frac{1}{2}$ of the $SE\frac{1}{4}$ of Section 30, thence west along the south

line of the said $N\frac{1}{2}$ of the $N\frac{1}{2}$ of the $SE\frac{1}{4}$ of Section 30 for approximately 2,100 feet to the center of Alabama Highway Number 127, thence northerly along the center line of said Highway Number 127 for $\frac{1}{8}$ mile to the south line of the $NE\frac{1}{4}$ of said Section 30, thence $N\ 0^\circ\ 00'\ W$ (Magnetic Bearing) for $\frac{1}{2}$ mile to the north line of said Section 30, thence east along the north line of said Section for approximately 2,150 feet to the northeast corner of Section 30, thence continue east along the north line of Section 29 for 1 mile to the northeast corner of Section 29, thence south along the east line of Section 29 for 1 mile to the point of beginning.

Section 2. This act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 3, 1965.

Time: 3:55 P. M.

Act No. 875

S. 527—James

AN ACT

To amend Section 2, Act No. 688, H. 336, Regular Session 1953, relating to the operation of motor vehicles and farm trailers on public highways.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 688, H. 336, Regular Session 1953, an Act relating to the operation of motor vehicles and farm trailers on public highways (Acts 1953, v. 2, p. 940) is amended to read as follows:

"Section 2. All such trailers as above described shall be equipped with red reflectors to adequately illuminate the rear of such trailer by placing at least two on the rear, one at each side. No such trailer shall be in excess of ninety-six inches in width, and no such trailer, draw-bar or other connection, including the vehicle towing such trailer shall be in excess of overall length of sixty-five feet. At no time shall there be more than one loaded trailer towed by any vehicle; however, two empty farm wagons or 4-wheel trailers may be towed in tandem when the overall length of the towing vehicle and its tow does not exceed sixty-five feet altogether."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 3, 1965.

Time: 3:58 P. M.

Act No. 876

S. 607—Carter

AN ACT

To amend Act No. 209, S. 120, Regular Session 1963, an act providing for and requiring reidentification of electors in Jackson County.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 209, S. 120, Regular Session 1963, an act providing for and requiring reidentification of electors in Jackson County (Acts 1963, p. 606), is hereby amended to read as follows:

"Section 1. The registered electors of Jackson County whose names appeared on the published list of qualified voters at the last general election for state or county officers shall each reidentify himself or herself as provided in this Act before January 1, 1966, for the names of all those who fail, neglect, or refuse to do so shall be omitted from the lists published thereafter."

Section 2. Section 2 of said Act No. 209 of 1963 is amended to read as follows:

"Section 2. (a) A voter may reidentify himself by appearing in person before the board of registrars or the judge of probate or one of the duly authorized clerks of the board or judge and answering such questions and submitting such proof as may be set forth hereinafter to establish his identity and place of legal residence.

"(b) A voter may reidentify himself at any election at which he votes before January 1, 1966, by answering and signing the questionnaire form provided for, in the presence of a clerk, manager, inspector, or returning officer at such election, who shall also sign the questionnaire as an attesting witness. The returning officer shall transmit each signed questionnaire to the judge of probate for transmittal to the board of registrars.

"(c) The board of registrars or its duly authorized clerk may visit every precinct in the county for the purpose or reidentifying voters, and a voter may reidentify himself by appearing in person before the board or its clerk in any such precinct and answering such questions as are set forth in the questionnaire form hereinafter prescribed. Due notice of a visit to a precinct for the purpose of reidentifying voters shall be given by publication in a newspaper of general circulation in the county for at least twenty days in advance of the visit, and by posting a copy of the notice in at least three public places in the precinct for the same length of time. The board of registrars and its clerk shall be allowed no more than 30 days in excess of any

maximum number of meeting days now provided by law for the purpose of reidentifying voters. The board or clerk shall be entitled to the same per diem allowances for the extra meetings as they are entitled to receive for regular meetings.

“(d) A voter who is on active duty in the armed forces of the United States or the spouse of a member of the armed forces, on active duty, or any qualified elector of the county who is confined to a hospital other than a hospital for mental patients or any physically incapacitated person, who under the general laws of Alabama is qualified to vote absentee ballots, may also reidentify himself or herself by filling in and mailing to the judge of probate the completed answers to such questions as are set forth in the questionnaire form hereinafter prescribed. The voter’s signature to such questionnaire must be witnessed by a commissioned officer of the branch of the armed forces to which the voter is assigned, in the case of a qualified elector on active duty in the armed forces, and by a licensed practicing physician in attendance on any physically incapacitated person who may be qualified to vote absentee ballot.”

Section 3. Section 4 of said Act No. 209 is hereby amended to read as follows:

“Section 4. After December 31, 1965, the board of registrars and judge of probate of Jackson County shall omit or remove from the lists of qualified voters of the county the names of all registered electors who do not reidentify themselves as required in this Act. However, no person whose name is so removed or omitted from the lists of qualified voters shall be by that fact alone disqualified from voting in the county, nor shall he be required to re-register. But proof of his or her qualifications to vote must be made before he or she is allowed to vote at any election.”

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 3, 1965.

Time: 4:10 P. M.

Act No. 877

S. 521—Gilchrist

AN ACT

Relating to the Municipality of Hartselle, in Morgan County, Alabama: To alter, re-arrange and extend the boundaries and corporate limits of the Town of Hartselle, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries of the Municipality of Hartselle, in Morgan County, Alabama, are hereby altered, re-arranged, and extended to include within the corporate limits of the Town of Hartselle, Alabama, in addition to the territory now embraced therein, the following described territory situated in Morgan County, Alabama, to-wit:

A tract of land lying in the E $\frac{1}{2}$ of Section 9, Township 7 South, Range 4 West, Morgan County, Alabama, and more particularly described as follows: All of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$; and All of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ lying South of the New Vaughn Bridge Road; and All that part of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ lying South of the New Vaughn Bridge Road described as beginning at the SW corner of said NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ and run thence north along the west boundary line of said NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ a distance of 289 feet to a point; thence turning an angle of 97° 22' measured counterclockwise from back tangent and run in a northeasterly direction a distance of 84.62 feet to a point in the center of the Old Vaughn Bridge Road; thence in a southeasterly direction along the center of said Old Vaughn Bridge Road a distance of 480.93 feet to a point on the southerly right of way of the New Vaughn Bridge Road; thence in a southeasterly direction along the southerly right of way of said New Vaughn Bridge Road to a point where the south boundary line of said NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ intersects said southerly right of way line; thence west along the south boundary line of said NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ to the point of beginning; and All that part of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ lying southwesterly of the southerly right of way of the New Vaughn Bridge Road. The NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 9, Township 7 South, Range 4 West. A part of the NE $\frac{1}{4}$ of Section 16, Township 7 South, Range 4 West, described as beginning at the Southeast corner of said NE $\frac{1}{4}$ and running thence West along the South line of said NE $\frac{1}{4}$ a distance of 679 feet; thence North parallel with the East line of said NE $\frac{1}{4}$ to a point on the Southerly right-of-way line of Alabama Highway No. 36; thence Northeasterly along said right-of-way line 688 feet, more or less, to the point where said right-of-way line intersects the East line of said NE $\frac{1}{4}$; thence South along the East line of said NE $\frac{1}{4}$ to the point of beginning. All that part of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ lying East of the Louisville and Nashville Railroad and the South one-half of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ and the North one-half of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$, all in Section 23, Township 7 South, Range 4 West.

Section 2. This Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 3, 1965.

Time: 4:08 P. M.

Act No. 878

S. 594—Hawkins

AN ACT

To provide further for the selection of textbooks and instructional materials for use in the public schools in all counties having a population of not less than 96,000 nor more than 106,000.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having a population of not less than 96,000 nor more than 106,000 according to the most recent federal decennial census, the county board of education or any city board of education, upon the recommendation of the county or city superintendent of education, as the case may require, may select and adopt textbooks and instructional materials for use in the public tax-supported schools other than the textbooks and materials on the list of state-approved or state-adopted textbooks, and may substitute such books and materials for the books and materials on the state adoption list. Provided, however, such county board of education or city board of education shall provide free textbooks to all grades which would be provided under the terms of Act No. 221, Special Session, 1965, H. 40.

Section 2. The provisions of Act No. 412, Regular Session 1945, or of the Free Textbook Law of 1965, that are inconsistent with this Act are superseded by this Act.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 3, 1965.

Time: 4:11 P. M.

Act No. 879

H. 584—Cook, Turner (Crenshaw), Nettles

AN ACT

To amend further Section 89 of Title 36, Code of Alabama 1940, which regulates the size and weight limits of motor vehicles and loads, so as to regulate further the length of such motor vehicles.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 89 of Title 36, Code of Alabama 1940, as amended, is amended further to read as follows:

"Section 89. It shall be unlawful for any person to drive or move on any highway in this state any vehicle or vehicles of a size or weight except in accordance with the following provisions:

"(a) Width. No vehicle shall exceed a total outside width, including any load thereon, of eight feet. No vehicle shall be driven or drawn upon a highway with more than four animals abreast. No passenger vehicle shall carry any load extending beyond the line of the fenders. No vehicle hauling pine or cedar logs shall have a load exceeding 102 inches in width, provided, however, these limits shall not be permitted on any Interstate or Defense highways where such limits are prohibited by Federal statute.

"(b) Height. No vehicle or semi-trailer shall exceed in height thirteen and one-half ($13\frac{1}{2}$) feet.

"(c) Length. No vehicle shall exceed in length forty (40) feet, except that the length of semi-trailer trucks, including any part of the body shall not exceed fifty-five (55) feet. No vehicle operated on a highway shall carry any load extending more than a total of five feet beyond both the front and rear, inclusive, of the vehicle.

"(d) Weight. (1) The gross weight imposed on the highway by the wheels of any one axle of a vehicle shall not exceed eighteen thousand (18,000) pounds, or such other weight, if any, as may be permitted by federal law to keep the state from losing federal funds.

"(2) For the purpose of this Act, an axle load shall be defined as the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes forty (40) inches apart, extending across the full width of the vehicle.

(3) Subject to the limit upon the weight imposed upon the highway through any one axle as set forth herein, the total weight with load imposed upon the highway by all the axles of a vehicle or combination of vehicles shall not exceed the gross weight given for the respective distances between the first and last axle of the vehicle or combination of vehicles, measured longitudinally to the nearest foot as set forth in the following table:

Distance in feet between first and last axles of vehicle or combination of vehicles.	Maximum load in pounds on all the axles.
4	32,000
5	32,000
6	32,000

7	32,000
8	32,610
9	34,500
Distance in feet between first and last axles of vehicle or combination of vehicles.	Maximum load in pounds on all the axles.
10	36,400
11	38,300
12	40,200
13	42,100
14	44,000
15	45,200
16	46,300
17	47,300
18	48,400
19	49,400
20	50,500
21	51,500
22	52,600
23	53,600
24	54,600
25	55,600
26	56,600
27	57,600
28	58,600
29	59,600
30	60,500
31	61,500
32	62,500
33	63,500
34	64,500
35	65,500
36	66,500
37	67,500
38	68,500
39	69,500
40	70,500
41	71,500
42	72,500
43 and over	73,280

“Except as provided by special permits, no vehicle or combination of vehicles exceeding the gross weights specified above shall be permitted to travel on the public highways within the State of Alabama.

“The maximum gross weight limit of any vehicle or combination of vehicles, including any tolerance which may be

granted hereunder, shall not exceed the maximum gross weights prescribed by the Congress of the United States under the provisions of subsection 127, Section 1, Chapter 1, Title 23, United States Code, or any other federal legislation amendatory thereof, or supplemental thereto, and no vehicles or combinations of vehicles shall be permitted to operate on any portion of the Interstate Highway System of Alabama except as shall meet the above provisions of United States Code.

“(4) For purposes of enforcement of subsection (d) of this Section, all scaled weights per axle shall be deemed to have a margin of error of ten percent (10%) of the true axle gross weights.

“(5) Dump trucks, concrete mixing trucks, and fuel oil and gasoline trucks designed and constructed for special type work or use shall meet the load limitations prescribed in subsection (d) of this Section.

“(6) Provided further, that the governing body of a county, by appropriate resolution, may authorize limitations less than those prescribed herein for vehicles operated upon the county highways of such county.

“(7) Provided further, that the state highway department, for cause, shall have the right to post or limit any road or bridge to weights less than those prescribed by this Section.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 3, 1965.

Time: 4:03 P. M.

Act No. 880

H. 675—Goodwyn

AN ACT

To apply in all counties having a population of 60,000 or more according to the 1960 Federal decennial census and having special courts where the probation services for juvenile delinquents is not now provided by the Department of Pensions and Security; to authorize and require the expenditure of State funds to pay part of the cost of the salaries of juvenile court probation officers in all such counties when such probation officers are certified by the State Department of Pensions and Security under standards prescribed by the State Board of Pensions and Security; to authorize the matching of State funds with county funds; and to appropriate from any funds in the State Treasury not otherwise appropriated money necessary for carrying out the purposes of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby authorized the payment from the State Treasury a part of the cost of the salary of certain probation officers appointed by special courts dealing with juvenile cases. These funds will be paid when request is made by the governing body of any county in Alabama having a population of 60,000 or more according to the 1960 Federal decennial census and having special courts where probation services for juvenile delinquents is not now furnished by the Department of Pensions and Security. The maximum number of such probation officers shall not exceed one for each 30,000 inhabitants or a fraction thereof. Provided, however, in the event the Governor should determine that the maximum number of probation officers as allowed by this law are not needed, then the Governor may limit such maximum number of probation officers.

Section 2. The salary of such probation officer shall be fixed by the court but in no case shall the State funds expended exceed \$3,500.00 per annum for each juvenile court probation officer, and each dollar of State funds shall be matched with one dollar of local funds. Such probation officers as are paid partially from funds in the State Treasury must be certified by the State Department of Pensions and Security under standards prescribed by the State Board of Pensions and Security.

Section 3. There is hereby appropriated from any funds in the State Treasury not otherwise appropriated such funds as may be necessary for carrying out the purposes of this Act but not to exceed \$184,000.00 per year for the fiscal years ending September 30, 1966, and September 30, 1967, for the purpose of defraying a part of the cost of the salary of such probation officers.

Section 4. All laws or parts of laws in conflict with this Act are hereby expressly repealed.

Section 5. This Act shall become effective on October 1, 1965.

Approved September 3, 1965.

Time: 4:03 P. M.

Act No. 881

H. 699—Camp, Beville

AN ACT

Relating to public health; providing for establishment of a state department of mental health, and to define and prescribe its functions, powers, and duties in relation to state mental health services and

programs; abolishing the board of trustees of Alabama State Hospitals, the board of managers for Partlow State School and Hospital, the Commission on Alcoholism, and the divisions of Mental Health Planning and Mental Hygiene of the State Board of Health, and providing for continuance of their functions under the jurisdiction and control of the new department of mental health.

Be It Enacted by the Legislature of Alabama:

Section 1. Department of Mental Health.—There shall be created and established a department of the State government to be known as the Department of Mental Health. The Department shall be composed of the Alabama Mental Health Board, the State Mental Health Officer, and such divisions and administrative sections as the Alabama Mental Health Board may direct. The principal offices of the department shall be located at the State capital. The department shall perform the functions hereinafter prescribed.

Section 2. The Alabama Mental Health Board.—The Governor and a board of thirteen trustees and their successors are hereby constituted a public corporation to be known as the Alabama Mental Health Board.

Section 3. Board of Trustees.—Trustees shall be appointed to serve six-year terms, ending on the thirtieth day of September, and two trustees shall be appointed every year except three trustees shall be appointed every sixth year. No trustee shall serve more than two consecutive six-year terms; provided, however, that trustees shall continue to serve until their successors have been appointed and approved.

Section 4. Trustees Appointed by Governor.—Upon the expiration of the term of office of a trustee, the Board shall nominate three persons to the Governor for his selection of one to fill the vacancy, and in case the office of a trustee becomes vacant for any cause, the Board shall nominate three persons to the Governor for his selection of one to fulfill the unexpired portion of his term. Seven of the trustees shall be regularly licensed physicians, three of whom shall be members of the State Committee of Public Health.

Section 5. Trustees Confirmed by the Senate.—The Senate of the State of Alabama shall at each session confirm or disaffirm the election of such trustees of the Alabama Mental Health Board as have been chosen since the last session of the Legislature, and in case of the disaffirmation by the Senate of the election of any trustee, the Board shall make another nomination to the Governor for Senate confirmation.

Section 6. Reimbursement of Trustees.—The trustees shall receive fifty dollars (\$50.00) per day and mileage expenses while

attending meetings of the Board or while engaged in other official duties at the request of the Board.

Section 7. The Original Board.—The original Alabama Mental Health Board is established as follows: the seven members of the present board of the Alabama State Hospitals will be continued, two of whom shall serve for two years, two for four years, one for five years, and two for six years, as designated by the Governor; the State Board of Censors of the Medical Association of the State of Alabama shall nominate nine members of the State Committee of Public Health and submit a list to the Governor, from which list the Governor shall select three trustees, one to serve for one year, one for three years, and one for five years. The Legislative Interim Committee on Mental Health and Retardation shall nominate nine persons, none of whom shall be members of the Legislature or members of the Medical Association of the State of Alabama, and submit a list to the Governor from which the Governor shall select three trustees, one to serve for one year, one to serve for three years, and one to serve for five years. Seven members of the board of trustees shall be regularly licensed physicians at least one of whom shall be a qualified psychiatrist. The Governor shall insure representation on the board of trustees of each congressional district in the State. As soon as practicable after this Act becomes law, all nominations shall be forwarded to the Governor. The Governor shall select the thirteen trustees and forward their names to the Senate for confirmation before the close of the 1965 regular session of the Alabama Legislature; all trustees shall take office on October 1, 1965.

Section 8. Transfer of Powers and Responsibilities.—On October 1, 1965, and when the board of trustees herein provided for assumes office, the Board of Trustees of Alabama State Hospitals, the Board of Managers for Partlow State School and Hospital, the Commission on Alcoholism, and the Division of Mental Health Planning and the Division of Mental Hygiene of the State Board of Health are hereby abolished. It is hereby ordered, that as of October 1, 1965, Alabama State Hospitals and Partlow State School and Hospital shall become subject to the jurisdiction and control of the Alabama Mental Health Board.

(1) All duties, responsibilities, authority, power, assets, liabilities, contractual rights and obligations, and property rights, whether accruing or vesting in the abolished agencies before or after the effective date of this Act, are hereby vested in the Alabama Mental Health Board.

(2) Any section of the Code of Alabama or any Act of Alabama presently valid and duly referring to any one or more

of the abolished agencies, unless the context requires a different meaning, shall be taken to mean the Alabama Mental Health Board.

(3) Any regulation of the abolished agencies is hereby made a regulation of the Alabama Mental Health Board and shall continue in force until repealed or amended by the Board.

(4) Employees of the abolished agencies holding positions on September 30, 1965, shall be employees of the Alabama Mental Health Board on October 1, 1965, provided, however, that the State Mental Health Officer may combine or abolish positions as necessary to carry out the purposes of this Act.

(5) All appropriations, accounts or funds of the abolished agencies are hereby appropriated as of October 1, 1965, to the Alabama Mental Health Board. Provided, however, that all sums of money appropriated to the Alabama State Hospitals and the Partlow State School and Hospital by the 1965 Regular and Special Sessions of the Legislature shall be applied to the use intended by the Act appropriating the same, and shall be used for no other purpose, and shall be kept in a separate account.

(6) All offices, services, programs or other activities of the abolished agencies are hereby made offices, services, programs or other activities of the Alabama Mental Health Board, and the Board is hereby authorized to reorganize such offices, services, programs, or other activities so as to achieve economy and efficiency; and the said Alabama Mental Health Board shall establish bureaus, divisions, hospitals, clinics, mental health centers, homes for the mentally retarded, or other facilities for providing mental health services, if it finds such action to be in the public interest.

(7) All purchases and construction and supply contracts of the department shall be made or let on a competitive bidding basis, and may be made through the State Purchasing Agent or otherwise, as the Alabama Mental Health Board may direct. No purchases, except for rights-of-way, shall be made from nor shall any sales be made to any member of the Legislature, any member of the Mental Health Board, hereby created, or any other person holding an office of profit with the State of Alabama.

Section 9. Mental Health Services; Definitions.—The Alabama Mental Health Board is hereby authorized to act in any prudent way to provide mental health services for the people of Alabama. As used in this Act "mental health services" are defined to be diagnosis of, treatment of, rehabilitation for, follow-up care of, prevention of, and research into the causes of all forms of mental or emotional illness, including but not limited to alcoholism, drug addiction, epilepsy, or mental retardation. As

used in this Act "patients" is defined as those persons afflicted with mental or emotional illness; and "Board" means Alabama Mental Health Board.

Section 10. Additional Powers of the Board.—The Alabama Mental Health Board is given hereby the following additional and cumulative powers: (1) It is authorized and directed to set up State plans for the purpose of controlling and treating any and all forms of mental and emotional illness, and shall divide the State into regions, districts, areas, or zones, which need not be geographic areas, but shall be areas for the purpose of establishing priorities and programs, and for organizational and administrative purposes.

(2) It is designated and authorized to supervise, coordinate, and establish standards for all operations and activities of the State related to mental health and the providing of mental health services; and it is authorized to receive and administer any funds available from any source for the purpose of acquiring building sites for, constructing, equipping, maintaining, or operating mental health centers or facilities or institutions for the purpose of providing mental health services; provided, however, that the State Board of Health is designated as the single and sole State agency to receive and administer any Federal funds available under Public Law 88-164, approved October 31, 1963, or any other Federal funds which are available now, or which may become available in the future, for construction of facilities for providing mental health services.

(3) It is hereby designated as the single State agency of the State of Alabama to receive and administer any and all funds available from any source for the purpose of training, research, and education in regard to all forms of mental and emotional illness.

(4) It is hereby authorized to enter into contracts with any other State or Federal agency, or with any private person, organization, or group capable of contracting, if it finds such action to be in the public interest. However, a resident of Alabama shall not be transferred from a state institution or facility to any institution or facility outside the State of Alabama, by contract or otherwise. Provided, that with the consent of the members of his immediate family a resident of this State may be transferred to a mental hospital or other facility of another State if the members of the patient's immediate family have removed to the other State.

(5) It may, in its discretion, develop a program for the care of aged patients and operate, in any area of the State, nursing homes which shall care for and treat patients that

require primary treatment for their geriatric infirmities; such nursing homes operated by the Board shall meet the standards duly promulgated by the State Board of Health and shall be licensed under its authority. The Board is further authorized to transfer such geriatric patients to private nursing homes within the State of Alabama if it finds such action to be in the public interest. Provided, that with the consent of the members of his immediate family a resident of this State may be transferred to a mental hospital or other facility of another State if the members of the patient's immediate family have removed to the other State.

(6) It is hereby authorized to appoint advisory councils as needed from among those leaders in disciplines concerned with mental and emotional illness, or from the public generally, to advise it in regard to plans, programs, and regulations. The State Mental Health Officer is ex-officio chairman of these advisory councils and shall call meetings when advise is needed or when a majority of any such advisory council requests a meeting.

(7) The members of such advisory councils shall be entitled to be reimbursed for mileage expenses, not to exceed the amount prescribed by State law for attending meetings called by the State Mental Health Officer. Such sums as are necessary to meet these mileage expenses are hereby appropriated from the Alabama Special Mental Health Fund and shall be paid on warrants signed by the State Mental Health Officer.

(8) The Alabama Mental Health Board is hereby authorized and directed to establish and promulgate reasonable rules, policies, orders, and regulations providing details of carrying out its duties and responsibilities, including by-laws for its own organization, government, and procedures.

(9) It is authorized and directed to purchase or lease land or acquire property by eminent domain, and to purchase, lease, rent, sell, exchange, or otherwise transfer property, land, buildings, or equipment in order to carry out its duties and responsibilities.

(10) It is authorized and directed to determine reasonable fees for services which it makes available to the public, and it shall collect such fees unless, on application and investigation, it is determined that the person receiving such services is unable to pay the established fee, and, in such case, such amount as he is able to pay will be collected.

(11) It is authorized and directed to establish and promulgate reasonable minimum standards for the construction and operation of facilities, including reasonable minimum standards

for the admission, diagnosis, care, treatment, transfer of patients and their records, and also including reasonable minimum standards for providing day care, outpatient care, emergency care, inpatient care and follow-up care when such care is provided for persons with mental or emotional illness.

(12) It is authorized to inspect any institution or facility providing any kind of treatment or care for those suffering from mental or emotional illness and shall certify any such institution or facility which meets its minimum standards to the State Board of Health.

(13) The State Board of Health may issue a license to operate such facilities or institutions as may be established under the provisions of this Act upon recommendation of the Board and upon certification by said Board that such facility or institution is in compliance with rules and regulations promulgated by said Board and approved by said State Board of Health.

(14) It is authorized to establish and collect reasonable fees for necessary inspection services incidental to certification of compliance.

(15) It is authorized and directed to hold such meetings as are convenient and necessary to carry out its duties and responsibilities at such places as it may direct, and a quorum consisting of any seven members of the board of trustees shall be competent to act at all regular or special meetings. Special meetings may be called by the Chairman of the Board, by the State Mental Health Officer, or by any seven members of the Board upon giving a week's notice to every member of the Board, and stating in the call the purpose of the meeting.

(16) It is authorized and directed to provide hearings for anyone claiming to be damaged by decisions of its employees or agents and it may delegate the holdings of such hearings to hearing committees consisting of any three or more of its members. When a decision of a said hearing committee is adopted by the board, the said decision then and there becomes a final decision and may be reviewed in the circuit court only upon a finding of the court that such decision was arbitrary, illegal, or capricious.

(17) It may, upon approval of the Attorney General, file and prosecute suits in any court in the name of the Alabama Mental Health Board to enforce this Act and such rules and regulations as may be duly promulgated under authority of this Act, such suits may include actions for an injunction to restrain any person, agency, or organization from violating any provision of this Act or any rule or regulation duly promul-

gated under authority of this Act; and it may also, with the approval of the Attorney General, authorize its legal counsel to attend to any other litigation which concerns the Board.

(18) It is authorized to accept gifts, trusts, bequests, grants, endowments, or transfers of property of any kind, and shall prudently manage such property in accordance with the terms of such gifts or transfer of property and in accordance with sound financial principles.

(19) It is hereby authorized and directed to receive moneys coming to it by way of fees for services or by appropriations and shall prudently manage such moneys in accordance with sound financial principles.

(20) The employees of the department shall be governed by personnel merit system rules and regulations, the same as other employees in state service, as administered by the states personnel department, provided that such rules and regulations shall not be applicable to the appointment, tenure, or compensation of physicians, surgeons, psychiatrists, psychologists, dentists, social workers, nurses, and attorneys. Employees of the department on the day this Act becomes effective who have been so employed for six months immediately preceding such date shall remain in their respective employments during good behavior; but nothing herein shall be construed to prevent or preclude the removal of an employee for cause in the manner provided by law.

Section 11. The State Mental Health Officer; Duties; Powers. — The Alabama Mental Health Board shall elect an executive officer to be known as the State Mental Health Officer and shall fix his term of office and salary, such salary to be established without regard to any limitation now, or hereafter, established by law unless such law specifically refers to such State Mental Health Officer. The said State Mental Health Officer so elected shall, under the direction of the Alabama Mental Health Board appoint all officers and employees of the Board, or he may authorize any superintendent, division or bureau head, or other administrator, to select with his approval all staff members and employees, and shall fix the salaries of the officers and employees of the Alabama Mental Health Board without regard to any limitation established by law, unless such law passed hereafter shall refer to the particular officer or employee of the Alabama Mental Health Board. The said State Mental Health Officer shall act for the Alabama Mental Health Board and shall carry out the policies of the Board when it is not in session, exercising all its powers and shall report his actions to said Board for confirmation or modification. The State Mental Health Officer may be removed from office by a

majority of the Board for justifiable cause fully set forth in the minutes of their meeting. The State Mental Health Officer shall exercise supervision over all the officers and employees of the Alabama Mental Health Board, and should any such officer or employee fail to perform faithfully any of the duties which are lawfully prescribed for him, or if he fails or refuses to observe or conform to any rule, regulation, or policy of the Alabama Mental Health Board, the State Mental Health Officer may remove him from office. Provided however, that nothing in this Act shall prevent the Superintendent of the Alabama State Hospitals from serving as Mental Health Commissioner, until such time as the Board of Trustees shall direct otherwise.

Section 12. Certification or License Required. — No person, partnership, corporation, or association of persons shall operate a facility or institution for the care or treatment of any kind of mental or emotional illness as defined in this Act, without being certified by the Board or licensed by the State Board of Health; provided that nothing herein shall be construed so as to require a duly authorized physician, psychiatrist, psychologist, social worker, or Christian Science Practitioner to obtain a license for treatment of patients in his private office, unless he keeps two or more patients in his office for continuous periods of twenty-four hours or more in one week.

Section 13. Legal Division. — The Board may establish a legal division which shall be under the direction of an assistant attorney general, and it shall be his duty to conduct the legal affairs of the Board. With the approval of the Board, and of the Attorney General, he may appoint other attorneys to assist him who shall also be assistant attorneys general, and, for particular litigation, with the consent of the Attorney General and the Board, special counsel may be appointed. The compensation of any such attorney shall be paid from the funds of the Board.

Section 13A. Nothing contained in this Act shall change or alter the methods, means or procedures provided by law before the enactment of this Act for the commitment or release of any person alleged to be non compos mentis, incompetent, mentally ill or emotionally disturbed. No person shall be committed to any institution established pursuant to the provisions of this Act without his consent or except by due process of law in a court of competent jurisdiction.

Section 14. Penalties. — Any person, partnership, corporation, or association that violates the provisions of this Act or any regulation promulgated under authority delegated to the Alabama Mental Health Board, and after due notice served by

registered mail or personally, shall be liable to pay a penalty of \$50.00 per day for each day of such violation. Any officer or any employee of the Alabama Mental Health Board, or any other person, who shall allow, assist, or abet in the escape of any patient confined by court action under the authority of the Alabama Mental Health Board, shall be guilty of a misdemeanor, and upon conviction, shall be punished by a fine not exceeding one hundred dollars. He may be punished by imprisonment in the county jail or at hard labor for the county, not exceeding ninety days, the imprisonment to be at the discretion of the judge trying or presiding over the trial of the case. Any member of the Legislature, any member of the Mental Health Board, or any holder of any office of profit with the State, who takes any contract, for work or services of the Mental Health Board or any of its agencies, or is employed in any way under such contract, or sells any goods or supplies to the Mental Health Board or any of its agencies, or is in any wise pecuniarily interested in any such contract or sale, as principal or agent, must, on conviction be fined not less than \$50 nor more than \$1,000, and also forfeit his office.

Section 15. Court Review. — Any person who has been legally damaged by a final order or decision of the Alabama Mental Health Board may have a review of such decision in the circuit court, sitting in equity, provided a sworn bill is filed within fifteen days of the date of such order or decision, charging that such order or decision was arbitrary, illegal, or capricious; and provided further that security be given to cover court costs and costs of preparing the record of the proceedings before the Alabama Mental Health Board, should the said order be upheld by the court.

Section 16. Commitment Forms. — The Alabama Mental Health Board shall prescribe forms for probate judges to use which would give information deemed necessary by the Board about prospective patients.

Section 17. Report to the Legislature. — As near after the end of the fiscal years as possible the Board shall print and send to the Governor a report consisting of activities of the Board, needs of facilities under its jurisdiction, mental health conditions in the State with respect to the extent to which needs are being met, plans for the future, financial report for the preceding year, and the names and addresses of the trustees; and a sufficient number of copies shall be printed to distribute to the members of the Legislature.

Section 18. Budget. — Every budget period the Board shall present to the Governor a request for funds based on projected needs for mental health services in the State, together

with a budget showing the expenditure of such requested funds; and the Governor shall include in his appropriation bill a request for funds to meet the financial needs of the Board.

Section 19. Funds for Essential Functions. — Any State supported facility under the jurisdiction of the Board providing services requiring on-premises residence of patients, including but not limited to Bryce Hospital, Searcy Hospital, and Partlow State School and Hospital, shall be considered an essential function of the State, and funds allocated for the support of said State supported facilities shall not be subject to proration at any time a deficit occurs in the general fund.

Section 20. Fees and Income. — All fees, receipts, and income of the Department of Mental Health shall be paid over to a departmental treasurer, to be selected by the Board, or to a bank in lieu of the treasurer, as the Board may direct, and may be expended as authorized by the Board for support, maintenance, and operation of the state hospitals, Partlow State School and Hospital, and other institutions, services, and programs subject to the jurisdiction and control of the Board.

Section 21. Repealer. — All laws or parts of laws, local, special, or general, in conflict with this Act are hereby specifically repealed. However nothing in this Act shall be construed so to repeal House Bill 703 enacted at the 1965 Regular Session of the Legislature.

Section 22. Severability. — The provisions of this Act are hereby declared to be severable. Should any section or provision hereof be held invalid or unenforceable by a court of competent jurisdiction, said holding shall not invalidate or render unenforceable the remaining provisions or sections hereof.

Section 23. Effective Date. — This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law. However, no changes in the operation of the Alabama State Hospitals, Partlow State School and Hospital, the Commission on Alcoholism, or the Division of Mental Hygiene are to be affected pursuant to this Act before October 1, 1965.

Approved September 3, 1965.

Time: 3:00 P. M.

Act No. 882

H. 892—Goodwyn

AN ACT

To provide for creation and establishment of a state commission on intergovernmental cooperation, providing for the appointment, qualifica-

tions and tenure of the members and officers of such commission, and making an appropriation for its use.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created the Alabama Commission on Intergovernmental Cooperation, hereinafter referred to as the Commission, to be composed of fifteen (15) members, namely: five members of the House of Representatives, appointed by the Speaker of the House, and including the Speaker, who shall constitute the House Standing Committee on Intergovernmental Cooperation; five members of the Senate, appointed by the Lieutenant Governor, and including the Lieutenant Governor, who shall constitute the Senate Standing Committee on Intergovernmental Cooperation; and five officials of government, appointed by the Governor, including not more than two persons representing political subdivisions of the State, who shall constitute the Governor's Committee on Intergovernmental Cooperation. In addition the Governor shall be an honorary member of the Commission. The Director of the Legislative Reference Service shall serve as Secretary to the Commission and shall be entitled to one hundred fifty dollars a month as compensation for such service. Any vacancy occurring in the membership of the Commission shall be filled in the same manner as the original appointment.

The terms of members of the House and Senate Committees on Intergovernmental Cooperation shall be until their successors are appointed, and qualified; provided that such members shall remain members of the house from which they were appointed. The terms of members of the Governor's Committee on Intergovernmental Cooperation shall be at the pleasure of the Governor.

Section 2. The Commission shall meet in the Capitol on call of the Lieutenant Governor as soon as possible after the Legislature has been organized and shall elect one of its members as chairman and one of its members as vice-chairman, and thereafter shall meet from time to time on call of the chairman except that the Commission shall meet at least twice a year for the conduct of its business.

Section 3. It shall be the function of the Commission to:

(1) Carry forward the participation of this State as a member of the Council of State Governments;

(2) To encourage and assist the legislative, executive, administrative and judicial officials and employees of this state to develop and maintain friendly contact by correspondence, conference, and otherwise, with officials and employees of the

other states, of the federal government and of local units of government;

(3) To endeavor to advance cooperation between this state and other units of government whenever it seems advisable to do so by formulating proposals for, participating in the formulation of, and by facilitating:

- a. The adoption of compacts;
- b. The enactment of uniform or reciprocal statutes;
- c. The adoption of uniform or reciprocal administrative rules and regulations;
- d. The cooperation of governmental offices with one another;
- e. The interchange and clearance of research and information; and
- f. Any other suitable process.

(4) In short, to do all such acts as will, in the opinion of this Commission, enable this state to do its part, or more than its part, in forming a more perfect union among the various governments in the United States and in developing the Council of State Governments for that purpose.

Section 4. The Commission shall establish such delegations and committees as it deems advisable in order that they may confer and formulate proposals concerning effective means to secure intergovernmental harmony and to perform other functions of the Commission. Subject to the approval of the Commission, a member or members of each such delegation or such committee shall be appointed by the Chairman of the Commission. State officials or employees who are not members of the Commission may be appointed as members of any such delegation or committee, but private citizens holding no governmental position in this state shall not be eligible. The Commission may provide for advisory boards for itself and for its various delegations and committees and may authorize private citizens to serve on such boards. The commission may provide such additional rules as it considers appropriate concerning membership and the functioning of any delegation, committee, or advisory board that it may establish. The Commission shall select from its membership and staff a member and an alternate member to serve on the Committee of State Officials on Suggested State Legislation of the Council of State Governments. The Commission shall select from its membership a member to serve as the state delegate on the Board of Managers of the Council of State Governments. The Com-

mission may select state legislator members on any interstate compact commission created by an act of the Legislature which requires the appointment of state legislators and whose method of appointment is not otherwise set forth by statute.

Section 5. The Commission shall report to the Governor and to the Legislature within fifteen (15) days after the convening of each regular legislative session, and at such other times as it deems appropriate.

Members of the Commission and of all delegations, committees, and advisory boards which it establishes shall serve without compensation, but they shall be paid their necessary expenses in carrying out their obligations under this act. The Commission may incur such other expenses as may be necessary for the proper performance of its duties.

Section 6. The Council of State Governments is hereby declared to be a joint governmental agency of this state and of the other states which cooperate through it.

Section 7. The sum of \$5,000, or so much thereof as may be necessary, is hereby appropriated from any funds in the state treasury not otherwise appropriated, for each of the fiscal years ending September 30, 1966 and September 30, 1967, to defray the expenses of the Commission.

Section 8. This act shall take effect October 1, 1965.

Approved September 3, 1965.

Time: 4:05 P.M.

Act No. 883

H. 902—Owen

AN ACT

To amend Section 521 of Title 37 of the Code of Alabama of 1940 so as to provide that a municipality need not advertise for bids from contractors, pursuant to the requirements of that section, with respect to construction to be performed, or labor, materials and services, or any of them, to be furnished, by the State of Alabama pursuant to contract between the said municipality and the state.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 521 of Title 37 of the Code of Alabama of 1940 is hereby amended to read as follows:

"Section 521. If the council shall finally order the making of the proposed improvement, or improvements, notice shall be given asking for bids for such work, which notice shall describe in a general way the character and approximate quantities of such work and the types of materials, including

alternates, if any, to be employed, and shall be published once a week for two consecutive weeks in a newspaper published in said city or town, or, if there be no newspaper published in said city or town, in a newspaper of general circulation therein; the date for receiving bids as set out in said notice shall be not earlier than two weeks after the date of first publication of said notice. The said municipal authorities must let the contract to the lowest responsible bidder; provided that if the lowest responsible bidder has not bid a satisfactory price, the council or other governing body may reject all bids and re-advertise for bids in the same manner as hereinabove provided. The said municipal authorities may, by order, impose further conditions upon bidders with regard to bonds and surety for the faithful completion of such work, according to contract, or for any other purpose mentioned in the specifications. Surety bond for the faithful completion of said work shall be required, where same or any part thereof is let out by contract, in an amount not less than fifty percent of the estimated total of each contract. Notwithstanding the foregoing provisions of this section, the city or town may elect (a) to construct the said improvements or furnish labor or material, or both, for the same without asking for bids, or (b) to contract with the State of Alabama or any of its departments or agencies for construction of the said improvements or the furnishing of labor, materials and services, or any thereof, for all or part of the said improvements; and in the event that the city or town makes any such election, then the provisions of this section requiring the city or town to ask for bids from contractors and to publish a notice with respect thereto shall not be applicable to any work of construction to be performed by the city or town or to any labor and material, or either, to be furnished by the city or town or to any work of construction, labor, materials, or services that are to be supplied by the state pursuant to any contract between the city or town and the state or any of its departments or agencies."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 4, 1965.

Time: 10:15 A. M.

Act No. 884

H.J.R. 198—Rogers

HOUSE JOINT RESOLUTION

Whereas, a school library in Limestone County has been named the Albert P. Brewer Library, and

Whereas, the naming of said library was most appropriate, and

Whereas, the Legislature of Alabama recognizes and accepts the principal of reciprocity, and

Whereas, the Legislature desires likewise to honor our esteemed colleague Granville Turner, now therefore,

Be It Resolved by the House of Representatives, the Senate concurring,

That the next trade school library to be constructed in Morgan County be named the Granville Turner library in honor of our esteemed colleague from Limestone County.

Approved September 4, 1965.

Time: 10:17 A. M.

Act No. 885

S. 9—Carter

AN ACT

Relating to public health; to require the testing and treatment of infants for phenylketonuria; to authorize and direct the state board of health to promulgate rules and regulations to accomplish the purpose of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. It shall be the duty of the administrative officer or other person in charge of each institution caring for infants twenty-eight days or less of age, or the physician attending a newborn child, or the person attending a newborn child that was not attended by a physician, to cause to have administered to every such infant or child in his care a reliable test for phynylketonuria (PKU), such as the Guthrie Test or any other test considered equally reliable by the state board of health. Testing and the recording of the results of such tests shall be performed at such times and in such manner as may be prescribed by the state board of health. Provided, that no such test shall be given to any child whose parents object thereto on the grounds that such tests conflict with their religious tenets and practices.

Section 2. The state board of health shall promulgate such rules and regulations as it considers necessary to provide for the care and treatment of those newborn infants whose tests are determined positive, including but not limited to advising dietary treatment for such infants. The state board of health shall promulgate any other rules and regulations necessary to effectuate the provisions of this Act.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. This Act shall become effective on the first day of the second month following its passage and approval by the Governor, or its otherwise becoming a law.

Approved September 5, 1965.

Time: 11:15 A. M.

Act No. 886

S.J.R. 74—Gilchrist

SENATE JOINT RESOLUTION

WHEREAS, The Speaker of the House of Representatives, the Honorable Albert P. Brewer, has been responsible for giving leadership in the establishment of State Junior College program in Alabama; and

WHEREAS, Without his leadership the State Junior College program would not have been as fully developed as it is today;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the new library building located at the Tennessee Valley Junior College, Limestone County, Alabama, be named the Albert P. Brewer Library Building in his honor.

Approved September 4, 1965.

Time: 10:19 A. M.

**LEGAL & CONTRACT INTEREST RATES, BY STATES,
JANUARY 1, 1965**

	Legal Rates	Contract Rates
	1965	1965
Alabama	6%	8%
Alaska	6	8
Arizona	6	8(2)
Arkansas	6	10
California	7	10
Colorado	6	No limit
Connecticut	6	12
Delaware	6	6
Dist. of Col.	6	8
Florida	6	10(1)
Georgia	7	8
Hawaii	6	12
Idaho	6	8
Illinois	5	7
Indiana	6	8
Iowa	5	7
Kansas	6	10
Kentucky	6	6
Louisiana	5	8
Maine	6	No limit
Maryland	6	6
Massachusetts	6	No limit
Michigan	5	7
Minnesota	6	8
Mississippi	6	8
Missouri	6	8
Montana	6	10
Nebraska	6	9
Nevada	7	12
New Hampshire	6	No limit
New Jersey	6	6
New Mexico	6	10(2)
New York	6	6
North Carolina	6	6
North Dakota	4	7
Ohio	6	8
Oklahoma	6	10
Oregon	6	10(3)
Pennsylvania	6	6
Rhode Island	6	30
South Carolina	6	7
South Dakota	6	8
Tennessee	6	6
Texas	6	10
Utah	6	10

LEGAL & CONTRACT INTEREST RATES, BY STATES,
JANUARY 1, 1965—Continued

	Legal Rates	Contract Rates
	1965	1965
Vermont	6%	6%
Virginia	6	6
Washington	6	12
West Virginia	6	6
Wisconsin	5	12
Wyoming	7	10

(1) 15% for corporations
(2) 12% if loans unsecured
(3) 12% for corporations

This table summarizes only the broad, general provisions of state laws setting maximum legal and contract rates of interest, and it does not summarize rates fixed for special types of loans, such as instalment loans and loans under the small loan laws.

The parties to a transaction may agree on a specific rate of interest. The maximum rate that may be agreed upon is usually fixed by law. This is the "contract rate."

If a specific rate is not agreed upon, then the maximum rate that may be taken is the "legal rate," fixed by law in all states.

Interest in excess of the rate permitted by law is usurious. All states provide penalties for taking such interest.

Many state statutes provide that the defense of usury is not available to a corporation.

For a more detailed explanation of legal and contract rates of interest and of state and federal usury laws, see **Paton's Digest of Legal Opinions**, Interest and Usury, particularly sections 2:1, 2:2, 21 and 22.

Source: Data prepared by Legal Department, American Bankers Association.

OFFICIALS OF THE STATE OF ALABAMA

George C. Wallace, *Governor*

Lieutenant Governor

James B. AllenGadsden

Attorney General

Richmond M. Flowers State Adm. Bldg.

State Auditor

Bettye FrinkState Capitol

Secretary of State

Mrs. Agnes BaggettState Capitol

State Treasurer

Mary Texas Hurt GarnerState Capitol

Superintendent of Education

Austin R. MeadowsState Office Bldg.

Commissioner of Agriculture and Industries

A. W. ToddState Office Bldg.

Adjustment, State Board of

Mrs. Agnes Bagget, Secretary of StateState Capitol

Bettye Frink, State AuditorState Capitol

Mary Texas Hurt Garner, State TreasurerState Capitol

Seymore Trammell, Director of FinanceState Capitol

Adjutant General

Alfred C. HarrisonState Adm. Building

Agriculture and Industries, State Department of

A. W. Todd, Commissioner State Office Bldg.

Agricultural Center Board

Aubrey H. Fleming, Manager Coliseum, Federal Drive

Aeronautics, Alabama Department of

Asa Rountree, Jr., DirectorMontgomery

Alabama Public Schools Corporation

Austin R. Meadows, Supt. of EducationState Office Bldg.

Alcoholic Beverage Control Board, Alabama

James E. Caldwell, AdministratorState Adm. Bldg.

Architects, State Board for Registration of

John M. Morton, SecretaryMontgomery

Archives and History, Department of

Peter A. Brannon, DirectorArchives Building

OFFICIALS OF THE STATE OF ALABAMA—Continued

Armory Commission, State

Alfred C. Harrison, Secretary State Adm. Bldg.

Alcoholism, Commission on Education with Respect to

Lee Allen Ford, Acting Administrator Montgomery

Athletic Association, Alabama

Cliff Harper, Ex. Secretary State Office Bldg.

Bar, Board of Commissioners of State

John B. Scott Alabama Bar Bldg., Montgomery

Banking, State Department of

Robert M. Clecker, Superintendent of Banks Montgomery

Board of Examiners in the Basic Sciences, State

Dr. E. C. Sensenig, Chairman Birmingham

Boxing and Wrestling Commission

Lawson Lynn, Secretary Montgomery

Budget Officer

James V. Jordan State Capitol

Building Commission, State

Hugh Adams, Director State Office Bldg.

Building Authority, Alabama

Finnis Boutwell, Custodian State Adm. Bldg.

Building Corporation, Alabama

Custodian State Office Bldg.

Building Finance Authority, Alabama

Murray L. Kamplain, Custodian Highway Building

Chemist, State

Dr. C. R. Saunders Auburn

Chiropractic Examiners, State Board of

Dr. R. R. Williamson, Sec.-Treas. Roanoke

Civil Defense Agency

J. F. Manderson, Director State Adm. Bldg.

Coliseum, State

A. H. Fleming, Manager Federal Drive

Comptroller, State

John Graves State Capitol

Conservation Department

Claude D. Kelley, Director State Adm. Bldg.

OFFICIALS OF THE STATE OF ALABAMA—Continued

Contractors, State Licensing Board for General

Mrs. Elizabeth B. Pitts, Ex. Secretary State Adm. Bldg.

Corrections, Board of

A. Frank Lee, Commissioner Kilby Prison

Cosmetology State Board of

Mrs. Billie K. Jehle, Ex. Secretary Montgomery

Dental Examiners, Board of

Dr. Walter L. Smith, Jr. Gadsden

Dead Bodies, Board For Distribution and Delivery of

Dr. E. C. Sensenig, Secretary Birmingham

Docks Department, State

Houston H. Feaster, Director Mobile

Education, State Department of

Austin R. Meadows, Superintendent State Office Bldg.

Embalming, State Board of

James C. Isom, Secretary, Sylacauga

Engineers and Land Surveyors, State Board of

Registration for Professional

Sarah Hines, Acting Ex. Secretary State Adm. Bldg.

Employees' Retirement System of Alabama

Raymond Fowler, Secretary-Treasurer State Adm. Bldg.

Entomologists, Horticulturists, Floriculturists and Tree Surgeons, Board to Examine

W. A. Ruffin, Secretary State Office Building

Examiners of Public Accounts, Department of

Ralph P. Eagerton, Chief Examiner State Capitol

Executive Department, Governor's Office

George C. Wallace, Governor State Capitol

Cecil C. Jackson, Jr., Executive Secretary State Capitol

Mabel Amos, Recording Secretary State Capitol

Hugh Maddox, Legal Advisor State Capitol

Ed Ewing, Press Secretary State Capitol

Kate Simmons, Administrative Assistant State Capitol

Finance Department

Seymore Trammell, Director State Capitol

Fire Marshal, State

J. V. Kitchens State Adm. Bldg.

OFFICIALS OF THE STATE OF ALABAMA—Continued

Foresters, State Board of Registration for

J. M. Stauffer, SecretaryState Adm. Bldg.

Geological Survey of Alabama

Philip E. LaMoreaux, State GeologistUniversity

Health Department, State

Dr. Ira L. Myers, State Health OfficerState Office Bldg.

Highway Department, State

Herman L. Nelson, DirectorHighway Bldg.

Highway Patrol (See Public Safety)

Industrial Relations, Department of

Rex Roach, DirectorState Office Bldg.

Insane Hospitals, Alabama

Dr. J. S. Tarwater, SuperintendentTuscaloosa

Insurance, State Department of

Walter S. Houseal, SuperintendentState Adm. Bldg.

Labor, Department of

Arlis R. Fant, DirectorMontgomery

Legislative Commission to Preserve the Peace, Alabama

Edwin Strickland, Staff DirectorMontgomery

Legislative Reference Service

Charles M. Cooper, DirectorState Capitol

Licensing Board for the Healing Arts, State

Douglas O. Benton, Executive OfficerState Capitol

Liquified Petroleum Gas Commission, Alabama

Phillip R. Bonner, SecretaryState Office Bldg.

Medical Examiners, State Board of

Dr. Ira L. Myers, SecretaryState Office Bldg.

Medical Technicians Examiners, Board of

Mrs. Ruby J. AtkinsState Office Bldg.

Mental Deficients, Partlow State School for

Dr. J. S. Tarwater, SuperintendentTuscaloosa

Military Department

Alfred C. Harrison, Adjutant GeneralState Adm. Bldg.

Mine Examiners, Board of

H. T. WilliamsBirmingham

OFFICIALS OF THE STATE OF ALABAMA—Continued

Milk Control Board, Alabama State

James G. McLean, Executive SecretaryMontgomery

Nurses' Examiners and Registration, Board of

Miss Dorothy FoleyState Adm. Bldg.

Optometry, State Board of

Dr. Willard SmithEufaula

Oil and Gas Board, State

Philip E. LaMoreaux, SupervisorUniversity

Pardons and Paroles, State

L. B. Stephens, Executive DirectorState Adm. Bldg.

Pensions Commission

Miss Julia AllenState Capitol

Pensions and Security, State Department of

Reuben K. King, CommissionerState Adm. Bldg.

Personnel Department

J. S. Frazer, DirectorState Adm. Bldg.

Pharmacy, State Board of

E. W. Gibbs, SecretaryBirmingham

Pilotage Commission, State

Capt. W. P. AdamsMobile

Planning and Industrial Development Board, State

Charles Leonard Beard, DirectorMontgomery

Public Accountancy, State Board

Sam Diamond, SecretaryMontgomery

Public Library Service, Alabama

Mrs. Elizabeth Beamguard, DirectorState Adm. Bldg.

Public Safety, Department of

C. W. Russell, DirectorMontgomery

Public Service Commission, Alabama

Eugene "Bull" Connor, PresidentState Office Bldg.

Publicity and Information, State Bureau of

George Edmund Ewing, DirectorState Capitol

Purchasing Agent, State

Howard L. White, Jr.State Capitol

Real Estate Commission

Mrs. Mary J. Thompson, Ex. SecretaryMontgomery

OFFICIALS OF THE STATE OF ALABAMA—Continued

Revenue, Department of

Phillip J. Hamm, CommissionerState Adm. Bldg.

River Development Authority, Alabama

Charles Leonard Beard, AdministratorMontgomery

Securities Commissioner, State

Richmond M. Flowers, CommissionerState Adm. Bldg.

Social Security, State Agency

Miss Edna M. Reeves, DirectorState Capitol

Soil Conservation Committee, State

Joe Traylor, Executive SecretaryState Office Bldg.

Sovereignty Commission, State

Eli H. Howell, Executive SecretaryMontgomery

Teachers' Retirement System, State

Raymond Fowler, Secretary-TreasurerState Adm. Bldg.

Television Commission, Alabama Educational

Raymond D. Hulbert, ManagerBirmingham

Toxicologist, State

C. J. RehlingAuburn

*Trooper, State (See Public Safety)**Unemployment Compensation Division*

See Department of Industrial Relations

Uniform State Laws, Commission On

Robert B. Harwood, MemberJudicial Bldg.

Veterans Affairs, State Department of

W. C. Head, Jr., DirectorState Office Bldg.

Veterinary Medical Examining Board, Alabama

M. K. Heath, Secretary-TreasurerDecatur

Water Improvement Commission

Dr. Ira L. Myers, ChairmanState Office Bldg.

White House Association, The

Mrs. Ruth Rowell, RegentMontgomery

JUDICIAL

Supreme Court

J. Ed Livingston, Chief JusticeJudicial Bldg.

Court of Appeals

Annie Lola Price, Presiding JudgeJudicial Bldg.

OFFICIALS OF THE STATE OF ALABAMA—Continued

STATE COLLEGES

<i>Alabama College</i>	
D. P. Culp, President	Montevallo
<i>Auburn University</i>	
President	Auburn
<i>University of Alabama</i>	
Frank A. Rose, President	University
<i>University of South Alabama</i>	
Fred P. Whiddon, President	Mobile

INSTITUTIONS UNDER CONTROL OF
STATE BOARD OF EDUCATION

<i>Florence State College</i>	
E. B. Norton, President	Florence
<i>Jacksonville State College</i>	
Houston Cole, President	Jacksonville
<i>Livingston State College</i>	
John E. Deloney, President	Livingston
<i>Troy State College</i>	
Ralph W. Adams, President	Troy
<i>Alabama Agricultural and Mechanical College</i>	
R. D. Morrison, President	Normal
<i>Alabama State College</i>	
Levi Watkins, President	Montgomery

STATE JUNIOR COLLEGES

<i>Northwest Alabama Junior College</i>	
James A. Glasgow, President	Phil Campbell
<i>Southern Union Junior College</i>	
Walter A. Graham, President	Wadley

STATE TECHNICAL TRADE SCHOOLS

<i>Alabama School of Trades</i>	
E. L. Darden, Director	Gadsden
<i>Alabama Institute of Aviation Technology</i>	
Troy C. Tullis, Director	Ozark

STATE TECHNICAL TRADE SCHOOL—Continued

George C. Wallace

George H. Grimsley, Acting Director Dothan

John M. Paterson

J. O. McCollough, Director Montgomery

Mobile

Clay Knight, Director Mobile

Shelton

Harold I. James, Director Tuscaloosa

Tennessee Valley

Carlton W. Kelley, Director Decatur

Carver

A. L. Green, Director Mobile

Gadsden

Eugene N. Prater, Director Gadsden

Huntsville

S. C. O'neal, Director Huntsville

Wenonah

T. A. Lawson, Director Birmingham

STATE SPECIAL SCHOOLS

Alabama Institute for Deaf and Blind

E. H. Gentry, President Talladega

Alabama Vocational School for Girls

Alma L. Bachman, Principal Birmingham

Partlow State School

R. C. Partlow, M.D., Asst. Superintendent Tuscaloosa

STATE CORRECTIVE SCHOOLS

Alabama Boys' Industrial School

J. B. Hill, Superintendent Birmingham

State Training School for Girls

Mrs. Dorothy Weiss, Superintendent Birmingham

Alabama Industrial School for Children

E. B. Holloway, Superintendent Mt. Meigs

The number of the central switchboard for all
departments located in Montgomery is 265-2341

ROSTER OF THE SENATE OF ALABAMA

Regular Session 1965

James B. Allen, <i>Lieutenant Governor</i>	Gadsden
George Hawkins, <i>President Pro-Tem</i>	Gadsden
McDowell Lee, <i>Secretary</i>	Montgomery
Mrs. F. B. Ruffer, <i>Assistant Secretary</i>	Montgomery
First Senatorial District—Lauderdale and Limestone Counties.	
James E. (Ed) Horton, Jr.	Route 1, Madison
Second Senatorial District—Lawrence and Morgan Counties.	
Bob Gilchrist	P. O. Box 312, Decatur
Third Senatorial District—Cullman and Winston Counties.	
Harlan G. (Mutt) Allen	P. O. Box 28, Cullman
Fourth Senatorial District—Madison County.	
Roscoe O. Roberts, Jr.	P. O. Box 829, Huntsville
Fifth Senatorial District—Jackson and Marshall Counties.	
Clayton Carter	Box 306, Guntersville
Sixth Senatorial District—Etowah County.	
George Hawkins	930 Forrest Ave., Gadsden
Seventh Senatorial District—Calhoun County.	
A. C. Shelton	Jacksonville
Eighth Senatorial District—Talladega County.	
Bill Nichols	Box 354, Sylacauga
Ninth Senatorial District—Chambers and Randolph Counties.	
Julian Lowe	P. O. Box 592, Roanoke
Tenth Senatorial District—Elmore and Tallapoosa Counties.	
Ernest C. (Sonny) Hornsby	City Hall, Carrville
Eleventh Senatorial District—Tuscaloosa County.	
Wm. C. (Bill) McCain	705 First National Bldg., Tuscaloosa
Twelfth Senatorial District—Fayette and Walker Counties.	
Robert T. (Bob) Wilson	Box 1090, Jasper
Thirteenth Senatorial District—Jefferson County.	
Lawrence (Larry) Dumas	1414 Brown Marx Bldg., B'ham
Fourteenth Senatorial District—Lamar and Pickens Counties.	
B. G. (Gaillard) Robison, Jr.	Carrollton
Fifteenth Senatorial District—Autauga, Chilton and Shelby Counties.	
J. T. (Jimmy) McDow	Columbiana

ROSTER OF THE SENATE OF ALABAMA—Continued

Sixteenth Senatorial District—Monroe and Wilcox Counties.

Roland Cooper Camden

Seventeenth Senatorial District—Butler, Conecuh and Covington Counties.

H. B. Taylor Box 278, Georgiana

Eighteenth Senatorial District—Bibb and Perry Counties.

H. P. James Brent

Nineteenth Senatorial District—Choctaw, Clarke and Washington Counties.

Albert H. Evans, Jr. Butler

Twentieth Senatorial District—Marengo and Sumter Counties.

E. O. Eddins Demopolis

Twenty-first Senatorial District—Baldwin and Escambia Counties.

L. W. Brannan, Jr. Foley

Twenty-Second Senatorial District—Blount and St. Clair Counties.

L. D. Bentley, Jr. P. O. Box 481, Oneonta

Twenty-third Senatorial District—Dale and Geneva Counties.

Neil Metcalf P. O. Box 175, Geneva

Twenty-fourth Senatorial District—Barbour and Pike Counties.

James S. (Jimmy) Clark Eufaula

Twenty-fifth Senatorial District—Coffee and Crenshaw Counties.

W. Ray Lolley 107 Easy Street, Enterprise

Twenty-sixth Senatorial District—Bullock and Macon Counties.

Ed Reynolds Notasulga

Twenty-seventh Senatorial District—Lee and Russell Counties.

Joseph W. Smith Box 519, Phenix City

Twenty-eighth Senatorial District—Montgomery County.

Vaughan Hill Robison P. O. Box 901 or 36 So. Perry Street,
Montgomery

Twenty-ninth Senatorial District—Cherokee and DeKalb Counties.

Kenneth Hammond P. O. Box 92, Valley Head

Thirtieth Senatorial District—Dallas and Lowndes Counties.

Walter C. Givhan Safford

Thirty-first Senatorial District—Colbert, Franklin and Marion Counties.

W. E. Oden 402 High Street, N. W., Russellville

ROSTER OF THE SENATE OF ALABAMA—Continued

Thirty-second Senatorial District—Greene and Hale Counties.

Charles A. Montgomery West Greene

Thirty-third Senatorial District—Mobile County.

John M. Tyson 704 Annex First National Bank Bldg., Mobile

Thirty-fourth Senatorial District—Clay, Cleburne and Coosa Counties.

Charles (Pete) Mathews Ashland

Thirty-fifth Senatorial District—Henry and Houston Counties.

Charles H. (Charlie) Adams Box 975, Dothan

ROSTER OF THE HOUSE OF REPRESENTATIVES OF ALABAMA

Regular Session 1965

OFFICERS

Albert P. Brewer, *Speaker* Decatur

Rankin Fite, *Speaker Pro-Tem* Hamilton

John W. Pemberton, *Clerk* Montgomery

Richard C. Belser, *Reading Clerk* Montgomery

MEMBERS OF THE HOUSE

Autauga—E. A. (Bud) Grouby Prattville

Baldwin—L. D. (Dick) Owen, Jr. Bay Minette

Barbour—Sim A. Thomas Eufaula

Bibb—Fred H. Davis Brent

Blount—Carl D. NeSmith Box 561, Oneonta

Bullock—James L. Paulk Route 3, Box 198A, Union Springs

Butler—F. Lamont Glass Greenville

Calhoun—Place No. 1—Woodrow Albea Anniston

Place No. 2—Hugh D. Merrill Box 1486, Anniston

Place No. 3—H. R. (Pat) Burnham Box 1618,
Anniston

Chambers—Charles Snell Fairfax

Cherokee—Ralph A. Meade Cedar Bluff

ROSTER OF THE HOUSE OF REPRESENTATIVES OF ALABAMA **—Continued**

Chilton—H. Grady Heflin	Box 1057, Clanton
Choctaw—Roswell Doggett	Butler
Clarke—Joe C. McCorquodale, Jr.	Box 535, Jackson
Clay—Kenneth F. Ingram	Ashland
Cleburne—John S. Casey	Box 266, Heflin
Coffee—Drexel Cook	Pinedale Drive, Elba
Colbert—Berry Lynchmore Cantrell	1820 Federal Drive, Montgomery
Conecuh—Wiley Salter	Evergreen
Coosa—Robert J. Teel	Rockford
Covington—Fletcher Jones	Box 928, Andalusia
Crenshaw—Alton Turner	Box 207, Luverne
Cullman—Tom Drake	Box 46, Cullman
Dale—Henry B. Steagall, II	35 South Court Square, Ozark
Dallas—Place No. 1—John H. Blanton, 114 Lauderdale Dr., Selma	
Place No. 2—B. V. Hain	Box 155, Selma
DeKalb—R. Excell Baker	Box 64, Crossville
Elmore—Freddie Powell	Box 1, Kent
Escambia—Malcolm Edwards	East Brewton
Etowah—Place No. 1—Ollie W. Nabors	Box 846, Gadsden
Place No. 2—Gary F. Burns	1000 Forrest Ave., Gadsden
Place No. 3—W. E. (Bill) Owens, Jr.	1243 Sangster Rd., Gadsden
Fayette—James A. (Jimmy) Branyon	Box 600, Fayette
Franklin—Walston Hester	Box 71, Russellville
Geneva—Roland R. Faulk	Samson
Greene—Edwin A. Tuck	105 Boligee St., Eutaw
Hale—Richard M. Avery	Greensboro
Henry—J. F. (Buddy) Crawford	Abbeville
Houston—R. J. (Bob) Stembridge	Box 712, Dothan

ROSTER OF THE HOUSE OF REPRESENTATIVES OF ALABAMA **—Continued**

Jackson—Loy CampbellBox 241, Scottsboro

Jefferson—

George Lewis Bailes, Jr.3813 Dunbarton Dr., Birmingham
 Barron BetheaBox 2202, Birmingham
 Malcolm Bethea1606 Wellington Road, Homewood
 Quinton R. Bowers215 Frank Nelson Bldg., Birmingham
 Norman K. "Tiger" Brown950 Monterey Dr., Bessemer
 Donald L. Collins12th Floor, Bank For Savings Bldg., B'ham
 Richard DominickFrank Nelson Bldg., Birmingham
 Foster Buck Etheredge805 First National Bldg., Birmingham
 Eddie Hubert GilmoreBox 546, Bessemer
 John H. Hawkins1841 Montclair Dr., Birmingham
 Hugh A. Locke, Jr.952 Conroy Road, Birmingham
 J. Paul Meeks, Jr.333 Bank For Savings Bldg., Birmingham
 Hugh Morrow, III214 Woodward Bldg., Birmingham
 Walter Emmett Perry, Jr.903 Frank Nelson Bldg., B'ham
 Holt RastBox 1491, Birmingham
 Tram SessionsBox 2612, Birmingham
 Paschal P. "Pat" Vacca727-728 Frank Nelson Bldg., B'ham

Lamar—Jack HankinsVernon

Lauderdale—Place No. 1—Chester BostonP. O. Box 935,
 Florence

Place No. 2—W. C. (Buddy) HannahBox 220,
 Rogersville

Lawrence—Edsel F. MooreBox 31, Moulton

Lee—Pete B. Turnham606 Moore Mill Road, Auburn

Limestone—Granville TurnerRoute 2, Toney

Lowndes—William EdwardsFort Deposit

Macon—Andrew J. CooperBox 457, Tuskegee

Madison—Place No. 1—N. L. (Luke) Reynolds2225 California
 St., Huntsville

Place No. 2—James W. Baker205 Uptown Bldg.,
 Huntsville

Place No. 3—Harry L. Pennington809 Shorey Dr.,
 S. W., Huntsville

Marengo—V. Buren DanielNanafalia

Marion—Rankin FiteBox 157, Hamilton

Marshall—Aubrey J. CarrGuntersville

ROSTER OF THE HOUSE OF REPRESENTATIVES OF ALABAMA **—Continued**

Mobile—Place No. 1—Wm. H. McDermott	Box 1374, Mobile
Place No. 2—Mylan R. Engel	Box 1045, Mobile
Place No. 3—C. M. A. Rogers, III	Box 1070, Mobile
Place No. 4—Clara Stone Collins	1950 Hunter Ave., Mobile
Place No. 5—Robert S. Edington	Box 388, Mobile
Place No. 6—Coy Smith	Citronelle
Place No. 7—Elwood L. Hogan	P. O. Box 1049, Mobile
Place No. 8—Maurice A. "Casey" Downing	318 Annex First National Bank Bldg., Mobile
Monroe—Ralph L. Jones	Monroeville
Montgomery—Place No. 1—Alfred W. Goldthwaite	P. O. Box 801, Montgomery
Place No. 2—O. J. (Joe) Goodwyn	325 Bell Bldg., Montgomery
Place No. 3—Tandy D. Little, Jr.	1829 Robison Hill Road, Montgomery
Place No. 4—J. J. (Junie) Pierce	2448 Carter Hill Road, Montgomery
Morgan—Place No. 1—Albert P. Brewer	Box 1487, Decatur
Place No. 2—Ralph E. Slate	Box 1344, Decatur
Perry—Roy A. Barnett	Marion
Pickens—Ulie B. Sullivan	Reform
Pike—L. Gardner Bassett	Troy
Randolph—Gus W. Young	Graham
Russell—Homer Cornett	Box 88, Phenix City
St. Clair—Edwin Holladay	Pell City
Shelby—John Lewis Cates	Columbiana
Sumter—Ira D. Pruitt	Livingston
Talladega—Place No. 1—Lyndol Bolton	Ogletree Bldg., Sylacauga
Place No. 2—Ashley L. Camp, Jr.	305 E. North Street, Talladega
Tallapoosa—Owen Harper	East Tallassee

ROSTER OF THE HOUSE OF REPRESENTATIVES OF ALABAMA
—Continued

Tuscaloosa—Place No. 1—A. K. (Temo) Callahan		913 First National Bank Bldg., Tuscaloosa
Place No. 2—William D. Campbell, Jr.		Tuscaloosa
Place No. 3—Ralph D. Brown		2210 10th Ave., Tuscaloosa
Walker—Place No. 1—Louie M. Scurlock		Gen. Del., Sumiton
Place No. 2—Tom Bevill		Box 1091, Jasper
Washington—J. Emmett Wood		Millry
Wilcox—Sam C. Nettles, Jr.		Arlington
Winston—John A. Posey, Jr.		Haleyville

Annuity Table showing the current present cash value of an annuity of one hundred dollars per month, month by month from two to four hundred eighty months at 2%, 2½%, 3%, 3½%, 4%, 4½%, 5%, 5½%, and 6%. As provided in Act No. 456, Approved August 31, 1953.

Month	2%	2½%	3%	3½%	4%	4½%	5%	5½%	6%
1	99.83	99.79	99.75	99.70	99.66	99.62	99.58	99.54	99.50
2	199.50	199.37	199.25	199.12	199.00	198.88	198.75	198.63	198.50
3	299.00	298.75	298.50	298.25	298.01	297.76	297.51	297.27	297.02
4	398.33	397.92	397.51	397.10	396.68	396.27	395.86	395.45	395.04
5	497.50	496.89	496.27	495.65	495.03	494.42	493.81	493.19	492.58
6	596.15	595.64	594.78	593.92	593.06	592.20	591.34	590.49	589.63
7	695.35	694.20	693.05	691.90	690.75	689.61	688.47	687.34	686.20
8	794.03	792.55	791.07	789.60	788.13	786.66	785.20	783.74	782.29
9	892.54	890.69	888.85	887.01	885.18	883.35	881.53	879.71	877.90
10	990.89	988.63	986.38	984.14	981.90	979.68	977.46	975.24	973.04
11	1,089.07	1,086.37	1,083.67	1,080.99	1,078.31	1,075.64	1,072.98	1,070.34	1,067.70
12	1,187.10	1,183.90	1,180.72	1,177.55	1,174.39	1,171.25	1,168.12	1,165.00	1,161.89
13	1,284.95	1,281.23	1,277.53	1,273.84	1,270.16	1,266.50	1,262.86	1,259.23	1,255.61
14	1,382.65	1,378.36	1,374.09	1,369.84	1,365.61	1,361.40	1,357.20	1,353.02	1,348.87
15	1,480.18	1,475.29	1,470.42	1,465.57	1,460.74	1,455.94	1,451.15	1,446.39	1,441.66
16	1,577.55	1,572.01	1,566.50	1,561.01	1,555.55	1,550.12	1,544.72	1,539.34	1,533.99
17	1,674.76	1,668.54	1,662.34	1,656.18	1,650.05	1,643.96	1,637.89	1,631.86	1,625.86
18	1,771.18	1,764.86	1,757.95	1,751.08	1,744.24	1,737.44	1,730.68	1,723.96	1,717.27
19	1,868.69	1,860.98	1,853.32	1,845.69	1,838.11	1,830.58	1,823.09	1,815.64	1,808.23
20	1,965.42	1,956.91	1,948.44	1,940.03	1,931.67	1,923.36	1,915.11	1,906.90	1,898.74
21	2,061.98	2,052.63	2,043.34	2,034.10	2,024.92	2,015.81	2,006.74	1,997.74	1,988.79
22	2,158.38	2,148.15	2,137.99	2,127.89	2,117.86	2,107.90	2,098.00	2,088.17	2,078.40
23	2,254.63	2,243.48	2,232.41	2,221.42	2,210.50	2,199.65	2,188.88	2,178.19	2,167.56
24	2,350.71	2,338.61	2,326.59	2,314.66	2,302.82	2,291.06	2,279.38	2,267.79	2,256.28
25	2,446.63	2,433.54	2,420.54	2,407.64	2,394.84	2,382.13	2,369.51	2,356.99	2,344.56
26	2,542.39	2,528.27	2,514.26	2,500.35	2,486.55	2,472.85	2,459.26	2,445.78	2,432.40
27	2,638.00	2,622.81	2,607.74	2,592.79	2,577.96	2,563.24	2,548.65	2,534.16	2,519.80
28	2,733.44	2,717.15	2,700.98	2,684.96	2,669.06	2,653.29	2,637.66	2,622.15	2,606.76
29	2,828.73	2,811.29	2,794.00	2,776.86	2,759.86	2,743.01	2,726.30	2,709.73	2,693.30
30	2,923.85	2,905.24	2,886.78	2,868.49	2,850.36	2,832.38	2,814.57	2,796.91	2,779.40

31	3,018.82	2,998.99	2,979.33	2,959.86	2,940.56	2,921.43	2,902.47	2,883.69	2,865.08
32	3,113.63	3,092.55	3,071.65	3,050.96	3,030.45	3,010.14	2,990.02	2,970.08	2,950.32
33	3,208.29	3,185.91	3,163.75	3,141.79	3,120.05	3,098.52	3,077.19	3,056.07	3,035.15
34	3,302.78	3,279.08	3,255.61	3,232.37	3,209.36	3,186.57	3,164.01	3,141.67	3,119.55
35	3,397.12	3,372.05	3,347.24	3,322.68	3,298.36	3,274.29	3,250.47	3,226.88	3,203.53
36	3,491.30	3,464.83	3,438.64	3,412.72	3,387.07	3,361.69	3,336.57	3,311.70	3,287.10
37	3,585.33	3,557.42	3,529.82	3,502.51	3,475.49	3,448.75	3,422.31	3,396.14	3,370.25
38	3,679.19	3,649.82	3,620.77	3,592.03	3,563.61	3,535.50	3,507.69	3,480.19	3,452.98
39	3,772.91	3,742.02	3,711.49	3,681.29	3,651.44	3,621.91	3,592.72	3,563.85	3,535.30
40	3,866.46	3,834.03	3,801.98	3,770.30	3,738.97	3,708.01	3,677.40	3,647.14	3,617.22
41	3,959.86	3,925.86	3,892.25	3,859.04	3,826.22	3,793.78	3,761.72	3,730.04	3,698.72
42	4,053.11	4,017.49	3,982.29	3,947.53	3,913.18	3,879.24	3,845.70	3,812.57	3,779.83
43	4,146.20	4,108.93	4,072.11	4,035.76	3,999.84	3,964.37	3,929.33	3,894.71	3,860.52
44	4,239.13	4,200.18	4,161.71	4,123.73	4,086.22	4,049.18	4,012.61	3,976.49	3,940.82
45	4,331.91	4,291.24	4,251.08	4,211.44	4,172.31	4,133.68	4,095.54	4,057.89	4,020.71
46	4,424.54	4,382.11	4,340.23	4,298.91	4,258.12	4,217.87	4,178.14	4,138.92	4,100.21
47	4,517.01	4,472.79	4,429.16	4,386.11	4,343.64	4,301.73	4,260.38	4,219.58	4,179.32
48	4,609.33	4,563.28	4,517.86	4,473.07	4,428.88	4,385.29	4,342.29	4,299.87	4,258.03
49	4,701.49	4,653.59	4,606.35	4,559.77	4,513.83	4,468.53	4,423.86	4,379.80	4,336.35
50	4,793.50	4,743.70	4,694.61	4,646.22	4,598.50	4,551.46	4,505.09	4,459.36	4,414.27
51	4,885.36	4,833.63	4,782.66	4,732.41	4,682.89	4,634.09	4,585.98	4,538.56	4,491.81
52	4,977.06	4,923.38	4,870.48	4,818.36	4,767.00	4,716.40	4,666.53	4,617.40	4,568.97
53	5,068.62	5,012.93	4,958.08	4,904.06	4,850.83	4,798.41	4,746.76	4,695.87	4,645.74
54	5,160.02	5,102.30	5,045.47	4,989.50	4,934.39	4,880.11	4,826.65	4,773.99	4,722.13
55	5,251.26	5,191.49	5,132.64	5,074.70	5,017.66	4,961.50	4,906.20	4,851.75	4,798.14
56	5,342.36	5,280.49	5,219.59	5,159.65	5,100.66	5,042.59	4,985.43	4,929.16	4,873.77
57	5,433.30	5,369.30	5,306.32	5,244.36	5,183.38	5,123.38	5,064.33	5,006.22	4,949.03
58	5,524.10	5,457.93	5,392.84	5,328.81	5,265.83	5,203.86	5,142.90	5,082.92	5,023.91
59	5,614.74	5,546.37	5,479.14	5,413.03	5,348.00	5,284.05	5,221.15	5,159.27	5,098.41
60	5,705.23	5,634.64	5,565.23	5,496.99	5,429.90	5,363.93	5,299.07	5,235.28	5,172.55
61	5,795.57	5,722.71	5,651.10	5,580.72	5,511.53	5,443.52	5,376.66	5,310.94	5,246.32
62	5,885.76	5,810.61	5,736.76	5,664.20	5,592.89	5,522.81	5,453.94	5,386.25	5,319.72
63	5,975.80	5,898.32	5,822.21	5,747.43	5,673.97	5,601.80	5,530.89	5,461.22	5,392.76
64	6,065.69	5,985.85	5,907.44	5,830.43	5,754.79	5,680.50	5,607.53	5,535.85	5,465.43
65	6,155.43	6,073.20	5,992.46	5,913.18	5,835.34	5,758.90	5,683.85	5,610.13	5,537.74

ANNUITY TABLE, Continued

Month	2%	2½ %	3%	3½ %	4%	4½ %	5%	5½ %	6%
66	6,245.03	6,160.36	6,077.26	5,995.69	5,915.62	5,837.02	5,759.85	5,684.08	5,609.69
67	6,334.47	6,247.35	6,161.86	6,077.97	5,995.64	5,914.84	5,835.53	5,757.69	5,681.29
68	6,423.76	6,334.15	6,246.24	6,160.00	6,075.38	5,992.36	5,910.90	5,830.97	5,752.52
69	6,512.91	6,420.77	6,330.42	6,241.79	6,154.87	6,069.60	5,985.96	5,903.91	5,823.41
70	6,601.90	6,507.22	6,414.38	6,323.35	6,234.09	6,146.55	6,060.71	5,976.51	5,893.94
71	6,690.75	6,593.48	6,498.14	6,404.67	6,313.04	6,223.22	6,135.14	6,048.79	5,964.12
72	6,779.45	6,679.57	6,581.68	6,485.75	6,391.74	6,299.59	6,209.27	6,120.74	6,033.95
73	6,868.01	6,765.47	6,665.02	6,566.60	6,470.17	6,375.68	6,283.09	6,192.36	6,103.43
74	6,956.14	6,851.20	6,748.15	6,647.21	6,548.34	6,451.49	6,356.61	6,263.65	6,172.57
75	7,044.67	6,936.75	6,831.07	6,727.59	6,626.26	6,527.01	6,429.82	6,334.61	6,241.36
76	7,132.78	7,022.12	6,913.79	6,807.74	6,703.91	6,602.26	6,502.72	6,405.26	6,309.81
77	7,220.75	7,107.31	6,996.29	6,887.65	6,781.31	6,677.22	6,575.32	6,475.58	6,377.92
78	7,308.57	7,192.33	7,078.60	6,967.32	6,858.44	6,751.90	6,647.63	6,545.58	6,445.69
79	7,396.24	7,277.16	7,160.70	7,046.77	6,935.33	6,826.30	6,719.63	6,615.26	6,513.13
80	7,483.77	7,361.83	7,242.59	7,125.99	7,011.95	6,900.42	6,791.33	6,684.62	6,580.23
81	7,571.15	7,446.31	7,324.28	7,204.97	7,088.33	6,974.27	6,862.74	6,753.66	6,646.99
82	7,658.38	7,530.63	7,405.77	7,283.73	7,164.44	7,047.84	6,933.84	6,822.39	6,713.42
83	7,745.48	7,614.76	7,487.05	7,362.26	7,240.31	7,121.13	7,004.66	6,890.81	6,779.53
84	7,832.42	7,698.72	7,568.13	7,440.55	7,315.92	7,194.16	7,075.18	6,958.92	6,845.30
85	7,919.22	7,782.51	7,649.00	7,518.62	7,391.29	7,266.91	7,145.41	7,026.71	6,910.75
86	8,005.88	7,866.12	7,729.68	7,596.47	7,466.40	7,339.38	7,215.34	7,094.20	6,975.87
87	8,092.39	7,949.56	7,810.15	7,674.09	7,541.26	7,411.59	7,284.99	7,161.37	7,040.66
88	8,178.76	8,032.82	7,890.43	7,751.48	7,615.87	7,483.53	7,354.34	7,228.24	7,105.14
89	8,264.99	8,115.92	7,970.50	7,828.64	7,690.24	7,555.19	7,423.41	7,294.81	7,169.29
90	8,351.07	8,198.84	8,050.38	7,905.59	7,764.36	7,626.59	7,492.20	7,361.07	7,233.13
91	8,437.01	8,281.58	8,130.05	7,982.30	7,838.23	7,697.73	7,560.69	7,427.03	7,296.64
92	8,522.80	8,364.16	8,209.53	8,058.80	7,911.86	7,768.60	7,628.91	7,492.69	7,359.84
93	8,608.45	8,446.56	8,288.81	8,135.07	7,985.24	7,839.20	7,696.84	7,558.05	7,422.73
94	8,693.96	8,528.79	8,367.89	8,211.12	8,058.38	7,909.54	7,764.48	7,623.11	7,485.30
95	8,779.33	8,610.85	8,446.77	8,286.95	8,131.27	7,979.61	7,831.85	7,687.87	7,547.56
96	8,864.56	8,692.74	8,525.46	8,362.56	8,203.93	8,049.43	7,898.94	7,752.34	7,609.52
97	8,949.64	8,774.46	8,603.95	8,437.95	8,276.34	8,118.98	7,965.75	7,816.51	7,671.16
98	9,034.58	8,856.01	8,682.24	8,513.12	8,348.51	8,188.28	8,032.28	7,880.40	7,732.50

99	9,119.38	8,937.39	8,760.34	8,588.07	8,420.44	8,257.31	8,098.54	7,943.99	7,793.53
100	9,204.04	9,018.60	8,838.24	8,662.81	8,492.14	8,326.09	8,164.52	8,007.29	7,854.26
101	9,288.56	9,099.65	8,915.95	8,737.32	8,563.59	8,394.61	8,230.23	8,070.30	7,914.69
102	9,372.94	9,180.52	8,993.47	8,811.62	8,634.81	8,462.87	8,295.66	8,133.02	7,974.81
103	9,457.18	9,261.23	9,070.79	8,885.70	8,705.79	8,530.88	8,360.82	8,195.46	8,034.64
104	9,541.28	9,341.76	9,147.92	8,959.57	8,776.53	8,598.64	8,425.72	8,257.61	8,094.17
105	9,625.24	9,422.13	9,224.86	9,033.23	8,847.04	8,666.14	8,490.34	8,319.48	8,153.40
106	9,709.05	9,502.34	9,301.61	9,106.66	8,917.32	8,733.39	8,554.69	8,381.07	8,212.34
107	9,792.73	9,582.37	9,378.16	9,179.89	8,987.36	8,800.39	8,618.78	8,442.37	8,270.98
108	9,876.27	9,662.24	9,454.53	9,252.90	9,057.17	8,867.14	8,682.61	8,503.40	8,329.34
109	9,959.67	9,741.95	9,530.70	9,325.70	9,126.75	8,933.63	8,746.16	8,564.15	8,387.40
110	10,042.94	9,821.49	9,606.68	9,398.29	9,196.10	8,999.88	8,809.46	8,624.62	8,445.17
111	10,126.06	9,900.86	9,682.48	9,470.67	9,265.21	9,065.89	8,872.49	8,684.81	8,502.66
112	10,209.04	9,980.07	9,758.08	9,542.83	9,334.10	9,131.64	8,935.26	8,744.73	8,559.86
113	10,291.89	10,059.11	9,833.50	9,614.79	9,402.75	9,197.15	8,997.77	8,804.38	8,616.78
114	10,374.60	10,137.99	9,908.72	9,686.54	9,471.18	9,262.42	9,060.02	8,863.75	8,673.41
115	10,457.17	10,216.71	9,983.77	9,758.08	9,539.39	9,327.44	9,122.01	8,922.86	8,729.76
116	10,539.60	10,295.26	10,058.62	9,829.41	9,607.36	9,392.22	9,183.74	8,981.69	8,785.83
117	10,621.90	10,373.65	10,133.29	9,900.53	9,675.11	9,456.76	9,245.22	9,040.26	8,841.62
118	10,704.06	10,451.87	10,207.77	9,971.45	9,742.64	9,521.06	9,306.44	9,098.55	8,897.14
119	10,786.08	10,529.93	10,282.06	10,042.16	9,809.94	9,585.11	9,367.41	9,156.59	8,952.38
120	10,867.97	10,607.83	10,356.17	10,112.66	9,877.01	9,648.93	9,428.13	9,214.35	9,007.34
121	10,949.72	10,685.57	10,430.10	10,182.96	9,943.87	9,712.51	9,488.59	9,271.86	9,062.03
122	11,031.34	10,763.15	10,503.84	10,253.06	10,010.50	9,775.85	9,548.81	9,329.10	9,116.45
123	11,112.81	10,840.57	10,577.39	10,322.95	10,076.91	9,838.95	9,608.77	9,386.08	9,170.59
124	11,194.16	10,917.82	10,650.77	10,392.64	10,143.10	9,901.82	9,668.49	9,442.80	9,224.47
125	11,275.37	10,994.91	10,723.96	10,462.12	10,209.07	9,964.45	9,727.95	9,499.26	9,278.08
126	11,356.44	11,071.85	10,796.96	10,531.41	10,274.82	10,026.85	9,787.17	9,555.47	9,331.42
127	11,437.38	11,148.62	10,869.79	10,600.49	10,340.35	10,089.02	9,846.15	9,611.41	9,384.50
128	11,518.18	11,225.24	10,942.43	10,669.37	10,405.66	10,150.95	9,904.88	9,667.11	9,437.32
129	11,598.85	11,301.69	11,014.89	10,738.05	10,470.76	10,212.65	9,963.36	9,722.54	9,489.87
130	11,679.38	11,377.99	11,087.18	10,806.53	10,535.64	10,274.13	10,021.61	9,777.73	9,542.16
131	11,759.78	11,454.12	11,159.28	10,874.81	10,600.31	10,335.37	10,079.61	9,832.66	9,594.18
132	11,840.05	11,530.10	11,231.20	10,942.90	10,664.76	10,396.38	10,137.37	9,887.35	9,645.95
133	11,920.18	11,605.92	11,302.94	11,010.78	10,729.00	10,457.17	10,194.89	9,941.78	9,697.47

ANNUITY TABLE, Continued

Month	2%	2½%	3%	3½%	4%	4½%	5%	5½%	6%
134	12,000.18	11,681.59	11,374.51	11,078.47	10,793.02	10,517.73	10,252.17	9,995.96	9,748.72
135	12,080.05	11,757.09	11,445.89	11,145.96	10,856.83	10,578.06	10,309.22	10,049.90	9,799.73
136	12,159.78	11,832.44	11,517.10	11,213.25	10,920.43	10,638.16	10,366.03	10,103.59	9,850.47
137	12,239.38	11,907.63	11,588.13	11,280.35	10,983.82	10,698.05	10,422.60	10,157.04	9,900.97
138	12,318.85	11,982.67	11,658.98	11,347.26	11,046.99	10,757.71	10,478.94	10,210.24	9,951.12
139	12,398.19	12,057.55	11,729.66	11,413.97	11,109.96	10,817.14	10,535.04	10,263.20	10,001.21
140	12,477.39	12,132.27	11,800.16	11,480.48	11,172.72	10,876.35	10,590.91	10,315.92	10,050.95
141	12,556.46	12,206.84	11,870.48	11,546.80	11,235.27	10,935.35	10,646.55	10,368.40	10,100.45
142	12,635.41	12,281.26	11,940.63	11,612.93	11,297.61	10,994.12	10,701.96	10,420.64	10,149.70
143	12,714.21	12,355.52	12,010.60	11,678.87	11,359.74	11,052.67	10,757.14	10,472.64	10,198.71
144	12,792.89	12,429.62	12,080.40	11,744.61	11,421.67	11,111.01	10,812.09	10,524.40	10,247.47
145	12,871.44	12,503.57	12,150.03	11,810.17	11,483.39	11,169.12	10,866.81	10,575.93	10,295.99
146	12,949.86	12,577.37	12,219.48	11,875.53	11,544.91	11,227.02	10,921.30	10,627.22	10,344.27
147	13,028.14	12,651.01	12,288.76	11,940.70	11,606.22	11,284.70	10,975.57	10,678.28	10,392.31
148	13,106.30	12,724.50	12,357.86	12,005.69	11,667.33	11,342.17	11,029.61	10,729.11	10,440.11
149	13,184.33	12,797.84	12,426.79	12,070.48	11,728.24	11,399.42	11,083.43	10,779.70	10,487.67
150	13,262.22	12,871.03	12,495.56	12,135.09	11,788.94	11,456.46	11,137.03	10,830.06	10,534.99
151	13,339.94	12,944.06	12,564.15	12,199.51	11,849.44	11,513.28	11,190.40	10,880.19	10,582.08
152	13,417.63	13,016.94	12,632.56	12,263.74	11,909.74	11,569.90	11,243.55	10,930.10	10,628.94
153	13,495.13	13,089.67	12,700.81	12,327.78	11,969.84	11,626.30	11,296.49	10,979.77	10,675.56
154	13,572.51	13,162.25	12,768.89	12,391.64	12,029.74	11,682.49	11,349.20	11,029.22	10,721.95
155	13,649.76	13,234.68	12,836.80	12,455.31	12,089.45	11,738.47	11,401.69	11,078.45	10,768.11
156	13,726.89	13,306.96	12,904.54	12,518.80	12,148.95	11,794.24	11,453.97	11,127.44	10,814.04
157	13,803.88	13,379.08	12,972.11	12,582.10	12,203.25	11,849.80	11,506.02	11,176.22	10,859.74
158	13,880.75	13,451.06	13,039.51	12,645.22	12,267.36	11,905.16	11,557.87	11,224.77	10,905.21
159	13,957.48	13,522.89	13,106.74	12,708.15	12,326.28	11,960.31	11,609.49	11,273.11	10,950.46
160	14,034.09	13,594.56	13,173.81	12,770.90	12,384.99	12,015.25	11,660.91	11,321.22	10,995.48
161	14,110.57	13,666.09	13,240.70	12,833.47	12,443.51	12,069.99	11,712.11	11,369.11	11,040.28
162	14,186.93	13,737.47	13,307.44	12,895.86	12,501.84	12,124.52	11,763.09	11,416.78	11,084.86
163	14,263.16	13,808.71	13,374.00	12,958.07	12,559.97	12,178.85	11,813.87	11,464.24	11,129.21
164	14,339.26	13,879.79	13,440.40	13,020.09	12,617.91	12,232.98	11,864.43	11,511.48	11,173.35
165	14,415.23	13,950.73	13,506.63	13,081.93	12,675.66	12,286.90	11,914.79	11,558.50	11,217.26

166	14,491.08	14,021.51	13,572.70	13,143.60	12,733.22	12,340.63	11,964.93	11,605.31	11,260.95
167	14,566.80	14,092.16	13,638.60	13,205.08	12,790.58	12,394.15	12,014.87	11,651.90	11,304.43
168	14,642.40	14,162.65	13,704.34	13,266.39	12,847.76	12,447.47	12,064.60	11,698.29	11,347.69
169	14,717.87	14,233.00	13,769.92	13,327.52	12,904.74	12,500.59	12,114.13	11,744.46	11,390.74
170	14,793.21	14,303.20	13,835.33	13,388.47	12,961.54	12,553.52	12,163.45	11,790.42	11,433.57
171	14,868.43	14,373.25	13,900.58	13,449.24	13,018.14	12,606.24	12,212.56	11,836.17	11,476.19
172	14,943.53	14,443.16	13,965.66	13,509.84	13,074.56	12,658.77	12,261.47	11,881.71	11,518.60
173	15,018.50	14,512.93	14,030.59	13,570.26	13,130.79	12,711.11	12,310.18	11,927.05	11,560.79
174	15,093.34	14,582.55	14,095.35	13,630.50	13,186.84	12,763.24	12,358.68	11,972.17	11,602.78
175	15,168.06	14,652.02	14,159.95	13,690.57	13,242.69	12,815.19	12,406.99	12,017.09	11,644.56
176	15,242.66	14,721.35	14,224.39	13,750.47	13,298.36	12,866.94	12,455.09	12,061.81	11,686.13
177	15,317.13	14,790.54	14,288.67	13,810.19	13,353.85	12,918.49	12,503.00	12,106.32	11,727.49
178	15,391.48	14,859.58	14,352.79	13,869.73	13,409.15	12,969.85	12,550.70	12,150.63	11,768.65
179	15,465.70	14,928.48	14,416.74	13,929.11	13,464.27	13,021.03	12,598.21	12,194.74	11,809.60
180	15,539.80	14,997.24	14,480.54	13,988.31	13,519.21	13,072.01	12,645.52	12,238.65	11,850.35
181	15,613.78	15,065.85	14,544.18	14,047.34	13,573.96	13,122.79	12,692.63	12,282.35	11,890.89
182	15,687.63	15,134.32	14,607.66	14,106.19	13,628.53	13,173.39	12,739.55	12,325.86	11,931.24
183	15,761.36	15,202.65	14,670.99	14,164.88	13,682.93	13,223.81	12,786.28	12,369.17	11,971.38
184	15,834.97	15,270.83	14,734.15	14,223.39	13,737.13	13,274.03	12,832.81	12,412.28	12,011.32
185	15,908.46	15,338.88	14,797.16	14,281.74	13,791.16	13,324.06	12,879.14	12,455.19	12,051.07
186	15,981.82	15,406.78	14,860.01	14,339.91	13,845.01	13,373.91	12,925.29	12,497.91	12,090.61
187	16,055.06	15,474.54	14,922.70	14,397.92	13,898.69	13,423.57	12,971.24	12,540.43	12,129.96
188	16,128.18	15,542.16	14,985.24	14,455.76	13,952.18	13,473.05	13,017.00	12,582.76	12,169.12
189	16,201.18	15,609.64	15,047.62	14,513.43	14,005.49	13,522.34	13,062.58	12,624.90	12,208.08
190	16,274.06	15,676.98	15,109.84	14,570.93	14,058.63	13,571.45	13,107.96	12,666.84	12,246.84
191	16,346.81	15,744.18	15,171.91	14,628.26	14,111.59	13,620.37	13,153.15	12,708.59	12,285.42
192	16,419.45	15,811.24	15,233.83	14,685.43	14,164.38	13,669.11	13,198.16	12,750.15	12,323.80
193	16,491.96	15,878.16	15,295.59	14,742.43	14,216.99	13,717.67	13,242.98	12,791.53	12,361.99
194	16,564.35	15,944.94	15,357.20	14,799.27	14,269.42	13,766.05	13,287.62	12,832.71	12,399.99
195	16,636.62	16,011.59	15,418.65	14,855.94	14,321.68	13,814.24	13,332.07	12,873.71	12,437.80
196	16,708.78	16,078.09	15,479.95	14,912.44	14,373.77	13,862.26	13,376.33	12,914.51	12,475.42
197	16,780.81	16,144.46	15,541.10	14,968.78	14,425.69	13,910.10	13,420.41	12,955.14	12,512.86
198	16,852.72	16,210.68	15,602.09	15,024.96	14,477.43	13,957.76	13,464.31	12,995.57	12,550.11
199	16,924.51	16,276.77	15,662.93	15,080.97	14,529.00	14,005.24	13,508.03	13,035.83	12,587.17
200	16,996.19	16,342.73	15,723.63	15,136.82	14,580.40	14,052.54	13,551.56	13,075.89	12,624.05

ANNUITY TABLE, Continued

Month	2%	2½%	3%	3½%	4%	4½%	5%	5½%	6%
201	17,067.74	16,408.54	15,784.17	15,192.51	14,631.62	14,099.66	13,594.92	13,115.78	12,660.75
202	17,139.17	16,474.22	15,844.55	15,248.04	14,682.68	14,146.61	13,638.09	13,155.48	12,697.26
203	17,210.49	16,539.76	15,904.79	15,303.40	14,733.57	14,193.39	13,681.09	13,195.01	12,733.59
204	17,281.69	16,605.17	15,964.88	15,358.61	14,784.29	14,239.99	13,723.91	13,234.35	12,769.74
205	17,352.77	16,670.44	16,024.82	15,413.65	14,834.84	14,286.42	13,766.55	13,273.51	12,805.72
206	17,423.73	16,735.57	16,084.61	15,468.54	14,885.22	14,332.67	13,809.01	13,312.50	12,841.51
207	17,494.57	16,800.57	16,144.25	15,523.26	14,935.44	14,378.75	13,851.29	13,351.30	12,877.12
208	17,565.29	16,865.44	16,203.74	15,577.82	14,985.49	14,424.66	13,893.40	13,389.93	12,912.56
209	17,635.90	16,930.16	16,263.08	15,632.23	15,035.37	14,470.39	13,935.34	13,428.39	12,947.82
210	17,706.39	16,994.76	16,322.27	15,686.48	15,085.08	14,515.96	13,977.10	13,466.66	12,982.91
211	17,776.76	17,059.22	16,381.32	15,740.57	15,134.64	14,561.35	14,018.69	13,504.77	13,017.82
212	17,847.02	17,123.54	16,440.22	15,794.50	15,184.02	14,606.58	14,060.11	13,542.70	13,052.55
213	17,917.15	17,187.74	16,498.97	15,848.28	15,233.24	14,651.63	14,101.35	13,580.45	13,087.12
214	17,987.18	17,215.18	16,557.58	15,901.90	15,282.30	14,696.52	14,142.43	13,618.04	13,121.51
215	18,057.08	17,315.72	16,616.04	15,955.36	15,331.20	14,741.24	14,183.33	13,655.45	13,155.73
216	18,126.87	17,379.51	16,674.35	16,008.67	15,379.93	14,785.79	14,224.06	13,692.69	13,189.78
217	18,196.54	17,443.17	16,732.52	16,061.82	15,428.50	14,830.18	14,264.63	13,729.76	13,223.66
218	18,266.10	17,506.70	16,790.54	16,114.82	15,476.91	14,874.40	14,305.02	13,766.67	13,257.38
219	18,335.54	17,570.10	16,848.42	16,167.66	15,525.16	14,918.46	14,345.25	13,803.40	13,290.92
220	18,404.86	17,633.36	16,906.16	16,220.35	15,573.25	14,962.35	14,385.31	13,839.97	13,324.30
221	18,474.07	17,696.49	16,963.75	16,272.89	15,621.18	15,006.08	14,425.21	13,876.37	13,357.51
222	18,543.17	17,759.49	17,021.20	16,325.28	15,668.95	15,049.64	14,464.93	13,912.60	13,390.56
223	18,612.15	17,822.36	17,078.50	16,377.51	15,716.56	15,093.04	14,504.50	13,948.67	13,423.44
224	18,681.01	17,885.10	17,135.66	16,429.59	15,764.02	15,136.28	14,543.90	13,984.57	13,456.16
225	18,749.76	17,947.71	17,192.68	16,481.52	15,811.31	15,179.36	14,583.14	14,020.31	13,488.72
226	18,818.40	18,010.19	17,249.55	16,533.29	15,858.45	15,222.27	14,622.21	14,055.89	13,521.11
227	18,886.92	18,072.54	17,306.29	16,584.92	15,905.43	15,265.03	14,661.12	14,091.31	13,553.35
228	18,955.33	18,134.76	17,362.88	16,636.40	15,952.26	15,307.63	14,699.87	14,126.56	13,585.42
229	19,023.62	18,196.85	17,419.33	16,687.73	15,998.93	15,350.06	14,738.46	14,161.65	13,617.33
230	19,091.80	18,258.81	17,475.64	16,738.91	16,045.44	15,392.34	14,776.89	14,196.58	13,649.09
231	19,159.87	18,320.64	17,531.81	16,789.93	16,091.81	15,434.46	14,815.16	14,231.36	13,680.68
232	19,227.82	18,382.35	17,587.84	16,840.82	16,138.01	15,476.43	14,853.27	14,265.97	13,712.12

233	19,295.66	18,443.92	17,643.74	16,891.55	16,184.06	15,518.23	14,891.23	14,300.43	13,743.41
234	19,363.39	18,505.37	17,699.49	16,942.13	16,229.96	15,559.88	14,929.02	14,334.73	13,774.53
235	19,431.01	18,566.69	17,755.10	16,992.57	16,275.71	15,601.38	14,966.66	14,368.87	13,805.51
236	19,498.51	18,627.88	17,810.57	17,042.86	16,321.31	15,642.72	15,004.14	14,402.86	13,836.32
237	19,565.90	18,688.94	17,865.91	17,093.01	16,366.75	15,683.90	15,041.47	14,436.69	13,866.99
238	19,633.18	18,749.88	17,921.10	17,143.01	16,412.05	15,724.94	15,078.64	14,470.37	13,897.50
239	19,700.34	18,810.69	17,976.16	17,192.86	16,457.19	15,765.81	15,115.66	14,503.89	13,927.86
240	19,767.40	18,871.38	18,031.09	17,242.57	16,502.18	15,806.54	15,152.53	14,537.26	13,958.07
241	19,834.34	18,931.94	18,085.87	17,292.14	16,547.02	15,847.11	15,189.24	14,570.48	13,988.13
242	19,901.17	18,992.37	18,140.52	17,341.56	16,591.72	15,887.53	15,225.80	14,603.55	14,018.04
243	19,967.89	19,052.68	18,195.03	17,390.83	16,636.26	15,927.80	15,262.20	14,636.46	14,047.80
244	20,034.50	19,112.86	18,249.41	17,439.97	16,680.66	15,967.92	15,298.46	14,669.23	14,077.42
245	20,101.00	19,172.91	18,303.65	17,488.96	16,724.91	16,007.90	15,334.57	14,701.84	14,106.88
246	20,167.39	19,232.84	18,357.76	17,537.81	16,769.02	16,047.72	15,370.52	14,734.31	14,136.20
247	20,233.67	19,292.65	18,411.73	17,586.51	16,812.97	16,087.39	15,406.33	14,766.63	14,165.37
248	20,299.83	19,352.33	18,465.56	17,635.08	16,856.78	16,126.91	15,441.99	14,798.80	14,194.40
249	20,365.89	19,411.89	18,519.26	17,683.50	16,900.45	16,166.29	15,477.50	14,830.83	14,223.28
250	20,431.84	19,471.33	18,572.83	17,731.78	16,943.97	16,205.52	15,512.86	14,862.71	14,252.02
251	20,497.67	19,530.64	18,626.27	17,779.92	16,987.34	16,244.60	15,548.08	14,894.44	14,280.62
252	20,563.40	19,589.83	18,679.57	17,827.93	17,030.58	16,283.54	15,583.15	14,926.03	14,309.08
253	20,629.02	19,648.89	18,732.74	17,875.79	17,073.66	16,322.33	15,618.07	14,957.48	14,337.39
254	20,694.53	19,707.83	18,785.77	17,923.51	17,116.61	16,360.98	15,652.85	14,988.78	14,365.56
255	20,759.93	19,766.65	18,838.67	17,971.09	17,159.41	16,399.48	15,687.49	15,019.94	14,393.59
256	20,825.22	19,825.35	18,891.45	18,018.54	17,202.07	16,437.84	15,721.98	15,050.95	14,421.49
257	20,890.40	19,883.93	18,944.09	18,065.85	17,244.59	16,476.05	15,756.33	15,081.83	14,449.24
258	20,955.48	19,942.38	18,996.59	18,113.02	17,286.96	16,514.12	15,790.53	15,112.56	14,476.85
259	21,020.44	20,000.71	19,048.97	18,160.05	17,329.20	16,552.05	15,824.60	15,143.16	14,504.33
260	21,085.30	20,058.92	19,101.22	18,206.95	17,371.30	16,589.84	15,858.52	15,173.61	14,531.67
261	21,150.05	20,117.01	19,153.34	18,253.71	17,413.25	16,627.49	15,892.30	15,203.92	14,558.88
262	21,214.69	20,174.98	19,205.32	18,300.33	17,455.07	16,664.99	15,925.95	15,234.10	14,585.95
263	21,279.23	20,232.83	19,257.18	18,346.82	17,496.75	16,702.36	15,959.45	15,264.14	14,612.89
264	21,343.65	20,290.56	19,308.91	18,393.17	17,538.28	16,739.59	15,992.81	15,294.04	14,639.69
265	21,407.97	20,348.16	19,360.51	18,439.39	17,579.69	16,776.67	16,026.04	15,323.81	14,666.36
266	21,472.19	20,405.65	19,411.98	18,485.48	17,620.95	16,813.62	16,059.12	15,353.44	14,692.89
267	21,536.29	20,463.02	19,463.32	18,531.43	17,662.08	16,850.43	16,092.07	15,382.93	14,719.29

ANNUITY TABLE, Continued

Month	2%	2½ %	3%	3½ %	4%	4½ %	5%	5½ %	6%
268	21,600.29	20,520.27	19,514.53	18,577.24	17,703.07	16,887.11	16,124.89	15,412.29	14,745.57
269	21,664.19	20,577.40	19,565.62	18,622.93	17,743.92	16,923.64	16,157.56	15,441.52	14,771.71
270	21,727.97	20,634.41	19,616.58	18,668.48	17,784.64	16,960.04	16,190.10	15,470.61	14,797.72
271	21,791.65	20,691.30	19,667.41	18,713.89	17,825.22	16,996.31	16,222.51	15,499.57	14,823.60
272	21,855.23	20,748.08	19,718.11	18,759.18	17,865.67	17,032.43	16,254.78	15,528.40	14,849.36
273	21,918.70	20,804.74	19,768.69	18,804.33	17,905.98	17,068.43	16,286.92	15,557.10	14,874.98
274	21,982.06	20,861.28	19,819.14	18,849.36	17,946.16	17,104.29	16,318.92	15,585.66	14,900.48
275	22,045.32	20,917.70	19,869.47	18,894.25	17,986.21	17,140.01	16,350.80	15,614.10	14,925.85
276	22,108.47	20,974.00	19,919.67	18,939.01	18,026.12	17,175.60	16,382.53	15,642.41	14,951.09
277	22,171.52	21,030.19	19,969.74	18,983.64	18,065.90	17,211.06	16,414.14	15,670.58	14,976.21
278	22,234.46	21,086.26	20,019.70	19,028.14	18,105.55	17,246.39	16,445.62	15,698.63	15,001.21
279	22,297.30	21,142.21	20,069.52	19,072.51	18,145.06	17,281.58	16,476.96	15,726.55	15,026.08
280	22,360.03	21,198.05	20,119.22	19,116.76	18,184.45	17,316.64	16,508.18	15,754.34	15,050.82
281	22,422.66	21,253.77	20,168.80	19,160.87	18,223.70	17,351.58	16,539.27	15,782.01	15,075.44
282	22,485.18	21,309.38	20,218.26	19,204.86	18,262.83	17,386.38	16,570.22	15,809.55	15,099.94
283	22,547.61	21,364.87	20,267.59	19,248.71	18,301.82	17,421.05	16,601.05	15,836.96	15,124.32
284	22,609.92	21,420.24	20,316.80	19,292.44	18,340.69	17,455.59	16,631.75	15,864.25	15,148.58
285	22,672.14	21,475.50	20,365.88	19,336.05	18,379.42	17,490.00	16,662.33	15,891.41	15,172.72
286	22,734.24	21,530.64	20,414.84	19,379.52	18,418.03	17,524.29	16,692.77	15,918.46	15,196.73
287	22,796.25	21,585.67	20,463.68	19,422.87	18,456.51	17,558.44	16,723.10	15,945.37	15,220.63
288	22,858.15	21,640.59	20,512.40	19,466.10	18,494.86	17,592.47	16,753.29	15,972.17	15,244.41
289	22,919.95	21,695.39	20,561.00	19,509.20	18,533.08	17,626.37	16,783.36	15,998.84	15,268.07
290	22,981.65	21,750.08	20,609.48	19,552.17	18,571.17	17,660.15	16,813.30	16,025.39	15,291.61
291	23,043.25	21,804.65	20,657.83	19,595.02	18,609.14	17,693.79	16,843.12	16,051.82	15,315.03
292	23,104.74	21,859.11	20,706.07	19,637.74	18,646.99	17,727.32	16,872.82	16,078.13	15,338.34
293	23,166.13	21,913.46	20,754.18	19,680.34	18,684.71	17,760.71	16,902.39	16,104.31	15,361.53
294	23,227.42	21,967.69	20,802.18	19,722.81	18,722.30	17,793.99	16,931.84	16,130.38	15,384.61
295	23,288.60	22,021.81	20,850.05	19,765.17	18,759.77	17,827.13	16,961.17	16,156.33	15,407.57
296	23,349.69	22,075.82	20,897.81	19,807.39	18,797.11	17,860.16	16,990.38	16,182.17	15,430.42
297	23,410.67	22,129.72	20,945.44	19,849.50	18,834.33	17,893.06	17,019.47	16,207.88	15,453.16
298	23,471.55	22,183.50	20,992.96	19,891.48	18,871.42	17,925.84	17,048.43	16,233.48	15,475.78
299	23,532.33	22,237.18	21,040.36	19,933.34	18,908.39	17,958.49	17,077.27	16,258.96	15,498.28

300	23,593.01	22,290.74	21,087.64	19,975.08	18,945.24	17,991.03	17,106.00	16,284.32	15,520.68
301	23,653.53	22,344.19	21,134.80	20,016.70	18,981.97	18,023.44	17,134.61	16,309.57	15,542.97
302	23,714.06	22,397.53	21,181.85	20,058.20	19,018.57	18,055.73	17,163.09	16,334.70	15,565.14
303	23,774.44	22,450.75	21,228.78	20,099.57	19,055.06	18,087.90	17,191.46	16,359.72	15,587.20
304	23,834.71	22,503.87	21,275.59	20,140.83	19,091.42	18,119.95	17,219.71	16,384.62	15,609.16
305	23,894.89	22,556.88	21,322.28	20,181.97	19,127.66	18,151.88	17,247.85	16,409.41	15,631.00
306	23,954.96	22,609.77	21,368.86	20,222.98	19,163.78	18,183.69	17,275.86	16,434.09	15,652.74
307	24,014.94	22,662.56	21,415.32	20,263.88	19,199.78	18,215.38	17,303.76	16,458.65	15,674.37
308	24,074.81	22,715.24	21,461.67	20,304.66	19,235.66	18,246.96	17,331.55	16,483.11	15,695.89
309	24,134.59	22,767.80	21,507.90	20,345.32	19,271.43	18,278.41	17,359.22	16,507.45	15,717.30
310	24,194.26	22,820.26	21,554.01	20,385.86	19,307.07	18,309.75	17,386.77	16,531.68	15,738.61
311	24,253.84	22,872.61	21,600.01	20,426.28	19,342.59	18,340.97	17,414.22	16,555.80	15,759.81
312	24,313.32	22,924.85	21,645.90	20,466.59	19,378.00	18,372.08	17,441.54	16,579.80	15,780.91
313	24,372.70	22,976.98	21,691.67	20,506.78	19,413.29	18,403.07	17,468.76	16,603.70	15,801.90
314	24,431.98	23,029.00	21,737.33	20,546.85	19,448.46	18,433.94	17,495.86	16,627.50	15,822.78
315	24,491.16	23,080.92	21,782.87	20,586.80	19,483.52	18,464.70	17,522.84	16,651.18	15,843.56
316	24,550.24	23,132.72	21,828.30	20,626.64	19,518.45	18,495.34	17,549.72	16,674.75	15,864.24
317	24,609.23	23,184.42	21,873.61	20,666.36	19,553.28	18,525.87	17,576.49	16,698.22	15,884.82
318	24,668.11	23,236.02	21,918.82	20,705.97	19,587.98	18,556.28	17,603.14	16,721.58	15,905.29
319	24,726.90	23,287.50	21,963.91	20,745.46	19,622.57	18,586.58	17,629.68	16,744.83	15,925.66
320	24,785.59	23,338.88	22,008.88	20,784.84	19,657.05	18,616.77	17,656.11	16,767.98	15,945.93
321	24,844.18	23,390.15	22,053.75	20,824.11	19,691.41	18,646.84	17,682.44	16,791.02	15,966.10
322	24,902.68	23,441.31	22,098.50	20,863.25	19,725.66	18,676.81	17,708.65	16,813.95	15,986.17
323	24,961.08	23,492.37	22,143.15	20,902.29	19,759.79	18,706.66	17,734.76	16,836.79	16,006.14
324	25,019.38	23,543.32	22,187.68	20,941.21	19,793.82	18,736.39	17,760.75	16,859.51	16,026.01
325	25,077.58	23,594.17	22,232.10	20,980.02	19,827.72	18,766.02	17,786.64	16,882.14	16,045.78
326	25,135.69	23,644.91	22,276.41	21,018.71	19,861.52	18,795.54	17,812.42	16,904.66	16,065.46
327	25,193.70	23,695.54	22,320.60	21,057.30	19,895.20	18,824.94	17,838.10	16,927.07	16,085.03
328	25,251.62	23,746.07	22,364.69	21,095.77	19,928.77	18,854.24	17,863.67	16,949.39	16,104.51
329	25,309.43	23,796.49	22,408.67	21,134.13	19,962.23	18,883.43	17,889.13	16,971.60	16,123.89
330	25,367.15	23,846.81	22,452.54	21,172.37	19,995.58	18,912.51	17,914.49	16,993.71	16,143.17
331	25,424.78	23,897.03	22,496.30	21,210.51	20,028.82	18,941.48	17,939.74	17,015.73	16,162.36
332	25,482.31	23,947.14	22,539.95	21,248.53	20,061.94	18,970.34	17,964.88	17,037.64	16,181.45
333	25,539.74	23,997.14	22,583.49	21,286.45	20,094.96	18,999.09	17,989.92	17,059.45	16,200.45
334	25,597.08	24,047.04	22,626.92	21,324.25	20,127.87	19,027.74	18,014.86	17,081.16	16,219.35

ANNUITY TABLE, Continued

Month	2%	2½%	3%	3½%	4%	4½%	5%	5½%	6%
335	25,654.32	24,096.84	22,670.25	21,361.95	20,160.66	19,056.28	18,039.70	17,102.77	16,238.16
336	25,711.47	24,146.54	22,713.46	21,399.53	20,193.35	19,084.71	18,064.43	17,124.28	16,256.88
337	25,768.52	24,196.13	22,756.57	21,437.01	20,225.93	19,113.03	18,089.06	17,145.70	16,275.50
338	25,825.48	24,245.62	22,799.57	21,474.37	20,258.41	19,141.25	18,113.58	17,167.02	16,294.03
339	25,882.34	24,295.00	22,842.47	21,511.63	20,290.77	19,169.37	18,138.01	17,188.24	16,312.47
340	25,939.11	24,344.29	22,885.25	21,548.78	20,323.03	19,197.38	18,162.33	17,209.36	16,330.82
341	25,995.79	24,393.47	22,927.93	21,585.82	20,355.18	19,225.28	18,186.56	17,230.39	16,349.07
342	26,052.37	24,442.54	22,970.51	21,622.76	20,387.22	19,253.08	18,210.68	17,251.32	16,367.23
343	26,108.85	24,491.52	23,012.97	21,659.58	20,419.15	19,280.78	18,234.70	17,272.16	16,385.31
344	26,165.24	24,540.39	23,055.34	21,696.30	20,450.98	19,308.38	18,258.62	17,292.90	16,403.29
345	26,221.54	24,589.17	23,097.59	21,732.91	20,482.71	19,335.87	18,282.45	17,313.54	16,421.18
346	26,277.74	24,637.84	23,139.74	21,769.42	20,514.33	19,363.25	18,306.17	17,334.10	16,438.99
347	26,333.85	24,686.41	23,181.79	21,805.82	20,545.84	19,390.54	18,329.80	17,354.55	16,456.71
348	26,389.87	24,734.88	23,223.73	21,842.11	20,577.25	19,417.72	18,353.32	17,374.92	16,474.33
249	26,445.79	24,783.24	23,265.57	21,878.30	20,608.56	19,444.80	18,376.75	17,395.19	16,491.88
350	26,501.62	24,831.51	23,307.30	21,914.38	20,639.76	19,471.79	18,400.09	17,415.37	16,509.33
351	26,557.36	24,879.68	23,348.92	21,950.36	20,670.85	19,498.67	18,423.32	17,435.46	16,526.69
352	26,613.01	24,927.75	23,390.45	21,986.24	20,701.85	19,525.44	18,446.46	17,455.45	16,543.97
353	26,668.56	24,975.71	23,431.87	22,022.01	20,732.74	19,552.12	18,469.51	17,475.36	16,561.17
354	26,724.02	25,023.58	23,473.19	22,057.67	20,763.53	19,578.70	18,492.45	17,495.17	16,578.28
355	26,779.39	25,071.35	23,514.40	22,093.23	20,794.21	19,605.18	18,515.31	17,514.90	16,595.30
356	26,834.66	25,119.02	23,555.51	22,128.69	20,824.80	19,631.57	18,538.06	17,534.53	16,612.24
357	26,889.85	25,166.59	23,596.52	22,164.04	20,855.28	19,657.85	18,560.73	17,554.07	16,629.09
358	26,944.94	25,214.06	23,637.43	22,199.30	20,885.66	19,684.03	18,583.30	17,573.53	16,645.87
359	26,999.94	25,261.43	23,678.23	22,234.45	20,915.94	19,710.12	18,605.77	17,592.89	16,662.55
360	27,054.85	25,308.70	23,718.93	22,269.49	20,946.12	19,736.11	18,628.16	17,612.17	16,679.16
361	27,109.66	25,355.88	23,759.53	22,304.44	20,976.20	19,762.00	18,650.45	17,631.36	16,695.68
362	27,164.39	25,402.96	23,800.03	22,339.28	21,006.18	19,787.80	18,672.64	17,650.46	16,712.12
363	27,219.02	25,449.94	23,840.43	22,374.03	21,036.06	19,813.50	18,694.75	17,669.48	16,728.48
364	27,273.57	25,496.82	23,880.73	22,408.67	21,065.84	19,839.10	18,716.76	17,688.41	16,744.75
365	27,328.02	25,543.60	23,920.93	22,443.21	21,095.52	19,864.61	18,738.68	17,707.25	16,760.95

366	27,382.38	25,590.29	23,961.03	22,477.65	21,125.10	19,890.02	18,760.52	17,726.00	16,777.06
361	27,436.66	25,636.88	24,001.02	22,511.99	21,154.59	19,915.34	18,782.26	17,744.67	16,793.10
368	27,490.84	25,683.37	24,040.92	22,546.23	21,183.97	19,940.56	18,803.91	17,763.26	16,809.05
369	27,544.93	25,729.77	24,080.72	22,580.37	21,213.26	19,965.69	18,825.47	17,781.76	16,824.93
370	27,598.93	25,776.07	24,120.42	22,614.41	21,242.46	19,990.73	18,846.94	17,800.17	16,840.72
371	27,652.84	25,822.27	24,160.02	22,648.35	21,271.55	20,015.67	18,868.32	17,818.51	16,856.44
372	27,706.67	25,868.38	24,199.52	22,682.20	21,300.55	20,040.51	18,889.61	17,836.75	16,872.08
373	27,760.40	25,914.39	24,238.92	22,715.94	21,329.45	20,065.27	18,910.82	17,854.92	16,887.64
374	27,814.04	25,960.31	24,278.23	22,749.59	21,358.26	20,089.93	18,931.94	17,873.00	16,903.13
375	27,867.60	26,006.13	24,317.43	22,783.14	21,386.97	20,114.50	18,952.96	17,891.00	16,918.53
376	27,921.06	26,051.85	24,356.54	22,816.59	21,415.58	20,138.98	18,973.91	17,908.92	16,933.86
377	27,974.44	26,097.48	24,395.55	22,849.94	21,444.10	20,163.37	18,994.76	17,926.75	16,949.12
378	28,027.72	26,143.02	24,434.47	22,883.20	21,472.53	20,187.67	19,015.53	17,944.51	16,964.30
379	28,080.92	26,188.46	24,473.28	22,916.36	21,500.86	20,211.87	19,036.21	17,962.18	16,979.40
380	28,134.03	26,233.80	24,512.00	22,949.42	21,529.09	20,235.99	19,056.81	17,979.77	16,994.43
381	28,187.05	26,279.06	24,550.63	22,982.39	21,557.24	20,260.01	19,077.32	17,997.29	17,009.38
382	28,239.99	26,324.21	24,589.15	23,015.26	21,585.28	20,283.95	19,097.75	18,014.72	17,024.26
383	28,292.83	26,369.28	24,627.59	23,048.04	21,613.24	20,307.79	19,118.09	18,032.07	17,039.06
384	28,345.59	26,414.25	24,665.92	23,080.72	21,641.10	20,331.55	19,138.34	18,049.35	17,053.79
385	28,398.26	26,459.13	24,704.16	23,113.31	21,668.87	20,355.22	19,158.52	18,066.54	17,068.45
386	28,450.84	26,503.91	24,742.30	23,145.80	21,696.55	20,378.80	19,178.61	18,083.66	17,083.04
387	28,503.34	26,548.60	24,780.35	23,178.20	21,724.14	20,402.29	19,198.61	18,100.70	17,097.55
388	28,555.74	26,593.20	24,818.31	23,210.50	21,751.63	20,425.69	19,218.54	18,117.66	17,111.99
389	28,608.06	26,637.70	24,856.17	23,242.71	21,779.03	20,449.01	19,238.38	18,134.54	17,126.36
390	28,660.30	26,682.11	24,893.93	23,274.82	21,806.35	20,472.24	19,258.13	18,151.35	17,140.65
391	28,712.44	26,726.43	24,931.60	23,306.85	21,833.57	20,495.38	19,277.81	18,168.08	17,154.88
392	28,764.50	26,770.66	24,969.18	23,338.77	21,860.70	20,518.43	19,297.40	18,184.73	17,169.03
393	28,816.47	26,814.80	25,006.66	23,370.61	21,887.74	20,541.40	19,316.92	18,201.31	17,183.12
394	28,868.36	26,858.84	25,044.05	23,402.35	21,914.69	20,564.29	19,336.35	18,217.81	17,197.13
395	28,920.16	26,902.79	25,081.35	23,434.00	21,941.55	20,587.09	19,355.70	18,234.24	17,211.08
396	28,971.87	26,946.66	25,118.55	23,465.56	21,968.32	20,609.80	19,374.97	18,250.59	17,224.95
397	29,023.50	26,990.43	25,155.66	23,497.03	21,995.01	20,632.43	19,394.16	18,266.86	17,238.76
398	29,075.04	27,034.10	25,192.68	23,528.40	22,021.60	20,654.97	19,413.27	18,283.07	17,252.50
399	29,126.50	27,077.69	25,229.61	23,559.69	22,048.11	20,677.43	19,432.30	18,299.19	17,266.17
400	29,177.87	27,121.19	25,266.44	23,590.88	22,074.53	20,699.81	19,451.26	18,315.25	17,279.77

ANNUITY TABLE, Continued

Month	2%	2½ %	3%	3½ %	4%	4½ %	5%	5½ %	6%
401	29,229.15	27,164.60	25,303.18	23,621.98	22,100.86	20,722.10	19,470.13	18,331.23	17,293.30
402	29,280.35	27,207.91	25,339.83	23,653.00	22,127.10	20,744.31	19,488.93	18,347.14	17,306.77
403	29,331.47	27,251.14	25,376.39	23,683.92	22,153.26	20,766.43	19,507.65	18,362.98	17,320.17
404	29,382.50	27,294.28	25,412.86	23,714.75	22,179.33	20,788.48	19,526.29	18,378.74	17,333.50
405	29,433.44	27,337.32	25,449.24	23,745.49	22,205.31	20,810.44	19,544.85	18,394.43	17,346.76
406	29,484.30	27,380.28	25,485.52	23,776.15	22,231.20	20,832.32	19,563.34	18,410.05	17,359.96
407	29,535.07	27,423.15	25,521.72	23,806.71	22,257.01	20,854.11	19,581.75	18,425.60	17,373.10
408	29,585.76	27,465.93	25,557.83	23,837.18	22,282.74	20,875.83	19,600.08	18,441.08	17,386.17
409	29,636.37	27,508.62	25,593.84	23,867.51	22,308.38	20,897.46	19,618.33	18,456.49	17,399.17
410	29,686.89	27,551.22	25,629.77	23,897.87	22,333.93	20,919.02	19,636.52	18,471.83	17,412.11
411	29,737.33	27,593.74	25,665.60	23,928.08	22,359.40	20,940.49	19,654.62	18,487.09	17,424.99
412	29,787.68	27,636.16	25,701.35	23,958.20	22,384.78	20,961.88	19,672.65	18,502.29	17,437.80
413	29,837.95	27,678.50	25,737.01	23,988.23	22,410.08	20,983.20	19,690.61	18,517.42	17,450.54
414	29,888.14	27,720.74	25,772.58	24,018.18	22,435.30	21,004.43	19,708.49	18,532.48	17,463.23
415	29,938.24	27,762.91	25,808.06	24,048.04	22,460.43	21,025.58	19,726.30	18,547.47	17,475.85
416	29,988.26	27,804.98	25,843.45	24,077.81	22,485.48	21,046.66	19,744.03	18,562.39	17,488.41
417	30,038.20	27,846.96	25,878.75	24,107.50	22,510.44	21,067.66	19,761.69	18,577.25	17,500.90
418	30,088.05	27,888.86	25,913.96	24,137.10	22,535.33	21,088.57	19,779.28	18,592.03	17,513.34
419	30,137.82	27,930.67	25,949.09	24,165.61	22,560.13	21,109.41	19,796.79	18,606.75	17,525.71
420	30,187.51	27,972.40	25,984.13	24,196.04	22,584.84	21,130.18	19,814.23	18,621.40	17,538.02
421	30,237.12	28,014.03	26,019.08	24,225.39	22,609.48	21,150.86	19,831.60	18,635.99	17,550.27
422	30,286.64	28,055.59	26,053.95	24,254.64	22,634.03	21,171.47	19,848.89	18,650.51	17,562.45
423	30,336.08	28,097.05	26,088.73	24,283.82	22,658.50	21,192.00	19,866.12	18,664.96	17,574.58
424	30,385.44	28,138.43	26,123.42	24,312.90	22,682.89	21,212.45	19,883.27	18,679.35	17,586.65
425	30,434.71	28,179.72	26,158.02	24,341.91	22,707.20	21,232.83	19,900.35	18,693.67	17,598.65
426	30,483.90	28,220.93	26,192.54	24,370.82	22,731.43	21,253.13	19,917.36	18,707.92	17,610.60
427	30,533.02	28,262.05	26,226.97	24,399.66	22,755.58	21,273.35	19,934.30	18,722.11	17,622.49
428	30,582.05	28,303.08	26,261.32	24,428.41	22,779.65	21,293.50	19,951.18	18,736.24	17,634.32
429	30,630.99	28,344.03	26,295.58	24,457.08	22,803.63	21,313.58	19,967.98	18,750.30	17,646.09
430	30,679.86	28,384.90	26,329.76	24,485.66	22,827.54	21,333.57	19,984.71	18,764.30	17,657.80
431	30,728.65	28,425.68	26,363.85	24,514.16	22,851.37	21,353.50	20,001.37	18,778.23	17,669.45

432	30,777.35	28,466.37	26,397.85	24,542.58	22,875.12	21,373.35	20,017.96	18,792.10	17,681.05
433	30,825.97	28,506.98	26,431.77	24,570.91	22,898.79	21,393.12	20,034.48	18,805.91	17,692.58
434	30,874.52	28,547.51	26,465.61	24,599.16	22,922.38	21,412.83	20,050.94	18,819.65	17,704.06
435	30,922.98	28,587.95	26,499.36	24,627.33	22,945.90	21,432.45	20,067.32	18,833.33	17,715.48
436	30,971.36	28,628.31	26,533.03	24,655.42	22,969.33	21,452.01	20,083.64	18,846.95	17,726.85
437	31,019.66	28,668.58	26,566.61	24,683.43	22,992.69	21,471.49	20,099.89	18,860.50	17,738.16
438	31,067.88	28,708.77	26,600.11	24,711.35	23,015.97	21,490.90	20,116.07	18,874.00	17,749.41
439	31,116.02	28,748.88	26,633.53	24,739.20	23,039.17	21,510.24	20,132.19	18,887.43	17,760.61
440	31,164.08	28,788.90	26,666.86	24,766.93	23,062.30	21,529.50	20,148.24	18,900.80	17,771.75
441	31,212.06	28,828.84	26,700.11	24,794.64	23,085.35	21,548.69	20,164.22	18,914.11	17,782.84
442	31,259.96	28,868.70	26,733.28	24,822.25	23,108.32	21,567.81	20,180.14	18,927.36	17,793.87
443	31,307.78	28,908.47	26,766.36	24,849.77	23,131.22	21,586.86	20,195.99	18,940.55	17,804.84
444	31,355.52	28,948.16	26,799.36	24,877.21	23,154.04	21,605.84	20,211.77	18,953.68	17,815.76
445	31,403.18	28,987.77	26,832.28	24,904.57	23,176.78	21,624.75	20,227.49	18,966.75	17,826.63
446	31,450.76	29,027.30	26,865.12	24,931.85	23,199.45	21,643.59	20,243.14	18,979.76	17,837.44
447	31,498.27	29,066.74	26,897.88	24,959.05	23,222.04	21,662.35	20,258.73	18,992.71	17,848.20
448	31,545.69	29,106.11	26,930.55	24,986.18	23,244.56	21,681.05	20,274.26	19,005.60	17,858.91
449	31,593.04	29,145.39	26,963.14	25,013.22	23,267.00	21,699.67	20,289.72	19,018.43	17,869.56
450	31,640.30	29,184.58	26,995.65	25,040.19	23,289.37	21,718.23	20,305.11	19,031.20	17,880.16
451	31,687.49	29,223.70	27,028.08	25,067.08	23,311.67	21,736.72	20,320.44	19,043.92	17,890.71
452	31,734.60	29,262.74	27,060.43	25,093.89	23,333.89	21,755.14	20,335.71	19,056.58	17,901.20
453	31,781.63	29,301.69	27,092.70	25,120.62	23,356.03	21,773.49	20,350.91	19,069.18	17,911.64
454	31,828.58	29,340.57	27,124.89	25,147.27	23,378.11	21,791.77	20,366.06	19,081.72	17,922.03
455	31,875.46	29,379.36	27,156.99	25,173.85	23,400.11	21,809.98	20,381.13	19,094.20	17,932.37
456	31,922.25	29,418.07	27,189.02	25,200.35	23,422.03	21,828.12	20,396.15	19,106.63	17,942.66
457	31,968.97	29,456.70	27,220.97	25,226.77	23,443.89	21,846.20	20,411.10	19,119.00	17,952.89
458	32,015.61	29,495.26	27,252.84	25,253.11	23,465.67	21,864.21	20,426.00	19,131.32	17,963.08
459	32,062.17	29,533.73	27,284.63	25,279.38	23,487.38	21,882.15	20,440.83	19,143.58	17,973.21
460	32,108.66	29,572.12	27,316.33	25,305.57	23,509.01	21,900.03	20,455.59	19,155.78	17,983.29
461	32,155.07	29,610.43	27,347.97	25,331.69	23,530.58	21,917.83	20,470.30	19,167.93	17,993.33
462	32,201.40	29,648.66	27,379.52	25,357.73	23,552.07	21,935.58	20,484.95	19,180.02	18,003.31
463	32,247.65	29,686.81	27,410.99	25,383.69	23,573.49	21,953.25	20,499.53	19,192.05	18,013.24
464	32,293.83	29,724.89	27,442.38	25,409.58	23,594.84	21,970.86	20,514.06	19,204.04	18,023.13
465	32,339.93	29,762.88	27,473.70	25,435.40	23,616.12	21,988.40	20,528.52	19,215.96	18,032.96

ANNUITY TABLE, Continued

Month	2%	2½%	3%	3½%	4%	4½%	5%	5½%	6%
466	32,385.95	29,800.80	27,504.94	25,461.13	23,637.33	22,005.88	20,542.93	19,227.83	18,042.75
467	32,431.90	29,838.63	27,536.10	25,486.80	23,658.47	22,023.29	20,557.27	19,239.65	18,052.49
468	32,477.77	29,876.39	27,567.18	25,512.39	23,679.54	22,040.64	20,571.56	19,251.42	18,062.18
469	32,523.56	29,914.07	27,598.18	25,537.90	23,700.54	22,057.93	20,585.78	19,263.13	18,071.82
470	32,569.28	29,951.67	27,629.11	25,563.34	23,721.46	22,075.14	20,599.95	19,274.78	18,081.41
471	32,614.92	29,989.19	27,659.96	25,588.71	23,742.32	22,092.30	20,614.06	19,286.39	18,090.96
472	32,660.49	30,026.64	27,690.73	25,614.00	23,763.11	22,109.39	20,628.11	19,297.94	18,100.45
473	32,705.98	30,064.00	27,721.43	25,639.22	23,783.83	22,126.41	20,642.10	19,309.44	18,109.90
474	32,751.39	30,101.29	27,752.05	25,664.37	23,804.48	22,143.38	20,656.03	19,320.88	18,119.31
475	32,796.73	30,138.50	27,782.59	25,689.44	23,825.07	22,160.27	20,669.91	19,332.28	18,128.66
476	32,842.00	30,175.64	27,813.06	25,714.44	23,845.58	22,177.11	20,683.72	19,343.62	18,137.97
477	32,887.18	30,212.69	27,843.45	25,739.36	23,866.03	22,193.88	20,697.48	19,354.91	18,147.24
478	32,932.30	30,249.67	27,873.77	25,764.22	23,886.41	22,210.59	20,711.19	19,366.15	18,156.46
479	32,977.34	30,286.58	27,904.01	25,789.00	23,906.72	22,227.24	20,724.83	19,377.34	18,165.63
480	33,022.30	30,323.40	27,934.17	25,813.71	23,926.96	22,243.83	20,738.42	19,388.47	18,174.75

**MORTALITY TABLES AS PROVIDED IN ACT NO. 457, APPROVED
AUGUST 31, 1953**

1941 CSO Mortality Table—Commissioners Standard Ordinary

Age	Number Living	Deaths Each Year	Death Rate per 1000	Expectation of Life (Yrs.)	Age	Number Living	Deaths Each Year	Death Rate per 1000	Expectation of Life (Yrs.)
0	1,023,102	23,102	22.58	62.35	50	810,900	9,990	12.32	21.37
1	1,000,000	5,770	5.77	62.76	51	800,910	10,628	13.27	20.64
2	994,230	4,116	4.14	62.12	52	790,282	11,301	14.30	19.91
3	990,114	3,347	3.38	61.37	53	778,981	12,020	15.43	19.19
4	986,767	2,950	2.99	60.58	54	766,961	12,770	16.65	18.48
5	983,817	2,715	2.76	59.76	55	754,191	13,560	17.98	17.78
6	981,102	2,561	2.61	58.92	56	740,631	14,390	19.43	17.10
7	978,541	2,417	2.47	58.08	57	726,241	15,251	21.00	16.43
8	976,124	2,255	2.31	57.22	58	710,990	16,147	22.71	15.77
9	973,869	2,065	2.12	56.35	59	694,843	17,072	24.57	15.13
10	971,804	1,914	1.97	55.47	60	677,771	18,022	26.59	14.50
11	969,890	1,852	1.91	54.58	61	659,749	18,988	28.78	13.88
12	968,038	1,859	1.92	53.68	62	640,761	19,979	31.18	13.27
13	966,179	1,913	1.98	52.78	63	620,782	20,958	33.79	12.69
14	964,266	1,996	2.07	51.89	64	599,824	21,942	36.58	12.11
15	962,270	2,069	2.15	50.99	65	577,882	22,907	39.64	11.55
16	960,201	2,103	2.19	50.10	66	554,975	23,842	42.96	11.01
17	958,098	2,156	2.25	49.21	67	531,133	24,730	46.56	10.48
18	955,942	2,199	2.30	48.32	68	506,403	25,553	50.46	9.97
19	953,743	2,260	2.37	47.43	69	480,850	26,302	54.70	9.47
20	951,483	2,312	2.43	46.54	70	454,548	26,955	59.30	8.99
21	949,171	2,382	2.51	45.66	71	427,593	27,481	64.27	8.52
22	946,789	2,452	2.59	44.77	72	400,112	27,872	69.66	8.08
23	944,337	2,531	2.68	43.88	73	372,240	28,104	75.50	7.64
24	941,806	2,609	2.77	43.00	74	344,136	28,154	81.81	7.23
25	939,197	2,705	2.88	42.12	75	315,982	28,009	88.64	6.82
26	936,492	2,800	2.99	41.24	76	287,973	27,651	96.02	6.44
27	933,692	2,904	3.11	40.36	77	260,322	27,071	103.99	6.07
28	930,788	3,025	3.25	39.49	78	233,251	26,262	112.59	5.72
29	927,763	3,154	3.40	38.61	79	206,989	25,224	121.86	5.38
30	924,609	3,292	3.56	37.74	80	181,765	23,966	131.85	5.06
31	921,317	3,437	3.73	36.88	81	157,799	22,502	142.60	4.75
32	917,880	3,598	3.92	36.01	82	135,297	20,857	154.16	4.46
33	914,282	3,767	4.12	35.15	83	114,440	19,062	166.57	4.18
34	910,515	3,961	4.35	34.29	84	95,378	17,157	179.88	3.91
35	906,554	4,161	4.59	33.44	85	78,221	15,185	194.13	3.66
36	902,393	4,386	4.86	32.59	86	63,036	13,198	209.37	3.42
37	898,007	4,625	5.15	31.75	87	49,838	11,245	225.63	3.19
38	893,382	4,878	5.46	30.91	88	38,593	9,378	243.00	2.98
39	888,504	5,162	5.81	30.08	89	29,215	7,638	261.44	2.77
40	883,342	5,459	6.18	29.25	90	21,577	6,063	280.99	2.58
41	877,883	5,785	6.59	28.43	91	15,514	4,681	301.73	2.39
42	872,098	6,131	7.03	27.62	92	10,833	3,506	323.64	2.21
43	865,967	6,503	7.51	26.81	93	7,327	2,540	346.66	2.03
44	859,464	6,910	8.04	26.01	94	4,787	1,776	371.00	1.84
45	852,554	7,340	8.61	25.21	95	3,011	1,193	396.21	1.63
46	845,214	7,801	9.23	24.43	96	1,818	813	447.19	1.37
47	837,413	8,299	9.91	23.65	97	1,005	551	548.26	1.08
48	829,114	8,822	10.64	22.88	98	454	329	724.67	.78
49	820,292	9,392	11.45	22.12	99	125	125	1,000.00	.50

**MORTALITY TABLES AS PROVIDED IN ACT NO. 457, APPROVED
AUGUST 31, 1953**

American Experience Table of Mortality

Age	Number Living	Deaths Each Year	Death Rate per 1000	Expectation of Life (Yrs.)	Age	Number Living	Deaths Each Year	Death Rate per 1000	Expectation of Life (Yrs.)
10	100,000	749	7.49	48.72	55	64,563	1,199	18.57	17.40
11	99,251	746	7.52	48.08	56	63,364	1,260	19.89	16.72
12	98,505	743	7.54	47.45	57	62,104	1,325	21.34	16.05
13	97,762	740	7.57	46.80	58	60,779	1,394	22.94	15.39
14	97,022	737	7.60	46.16	59	59,385	1,468	24.72	14.74
15	96,285	735	7.63	45.50	60	57,917	1,546	26.69	14.10
16	95,550	732	7.66	44.85	61	56,371	1,628	28.88	13.47
17	94,818	729	7.69	44.19	62	54,743	1,713	31.29	12.86
18	94,089	727	7.73	43.53	63	53,030	1,800	33.94	12.26
19	93,362	725	7.77	42.87	64	51,230	1,889	36.87	11.67
20	92,637	723	7.81	42.20	65	49,341	1,980	40.13	11.10
21	91,914	722	7.86	41.53	66	47,361	2,070	43.71	10.54
22	91,192	721	7.91	40.85	67	45,291	2,158	47.65	10.00
23	90,471	720	7.96	40.17	68	43,133	2,243	52.00	9.47
24	89,751	719	8.01	39.49	69	40,890	2,321	56.76	8.97
25	89,032	718	8.07	38.81	70	38,569	2,391	61.99	8.48
26	88,314	718	8.13	38.12	71	36,178	2,448	67.57	8.00
27	87,596	718	8.20	37.43	72	33,730	2,487	73.73	7.55
28	86,878	718	8.26	36.73	73	31,243	2,505	80.18	7.11
29	86,160	719	8.35	36.03	74	28,738	2,501	87.03	6.68
30	85,441	720	8.43	35.33	75	26,237	2,476	94.37	6.27
31	84,721	721	8.51	34.63	76	23,761	2,431	102.31	5.88
32	84,000	723	8.61	33.92	77	21,330	2,369	111.06	5.49
33	83,277	726	8.72	33.21	78	18,961	2,291	120.83	5.11
34	82,551	729	8.83	32.50	79	16,670	2,196	131.73	4.74
35	81,822	732	8.95	31.78	80	14,474	2,091	144.47	4.39
36	81,090	737	9.09	31.07	81	12,383	1,964	158.61	4.05
37	80,353	742	9.23	30.35	82	10,419	1,816	174.30	3.71
38	79,611	749	9.41	29.62	83	8,603	1,648	191.56	3.39
39	78,862	756	9.59	28.90	84	6,955	1,470	211.36	3.08
40	78,106	765	9.79	28.18	85	5,485	1,292	235.55	2.77
41	77,341	774	10.01	27.45	86	4,193	1,114	265.68	2.47
42	76,567	785	10.25	26.72	87	3,079	933	303.02	2.18
43	75,782	797	10.52	26.00	88	2,146	744	346.69	1.91
44	74,985	812	10.83	25.27	89	1,402	555	395.86	1.66
45	74,173	828	11.16	24.54	90	847	385	454.55	1.42
46	73,345	848	11.56	23.81	91	462	246	532.47	1.19
47	72,497	870	12.00	23.08	92	216	137	634.26	.98
48	71,627	896	12.51	22.36	93	79	58	734.18	.80
49	70,731	927	13.11	21.63	94	21	18	857.14	.64
50	69,804	962	13.78	20.91	95	3	3	1000.00	.50
51	68,842	1,001	14.54	20.20					
52	67,841	1,044	15.39	19.49					
53	66,797	1,091	16.33	18.79					
54	65,706	1,143	17.40	18.09					

MORTALITY TABLE AS PROVIDED IN ACT NO. 457,
APPROVED AUGUST 31, 1953

Commissioners 1958 Standard Ordinary Mortality Table

Age	Number Living	Deaths Each Year	Death Rate per 1,000	Expectation of Life
0	10,000,000	70,800	7.08	68.30
1	9,929,200	17,475	1.76	67.78
2	9,911,725	15,066	1.52	66.90
3	9,896,659	14,449	1.46	66.00
4	9,882,210	13,835	1.40	65.10
5	9,868,375	13,322	1.35	64.19
6	9,855,053	12,812	1.30	63.27
7	9,842,241	12,401	1.26	62.35
8	9,829,840	12,091	1.23	61.43
9	9,817,749	11,879	1.21	60.51
10	9,805,870	11,865	1.21	59.58
11	9,794,005	12,047	1.23	58.65
12	9,781,958	12,325	1.26	57.72
13	9,769,633	12,896	1.32	56.80
14	9,756,737	13,562	1.39	55.87
15	9,743,175	14,225	1.46	54.95
16	9,728,950	14,983	1.54	54.03
17	9,713,967	15,737	1.62	53.11
18	9,698,230	16,390	1.69	52.19
19	9,681,840	16,846	1.74	51.28
20	9,664,994	17,300	1.79	50.37
21	9,647,694	17,655	1.83	49.46
22	9,630,039	17,912	1.86	48.55
23	9,612,127	18,167	1.89	47.64
24	9,593,960	18,324	1.91	46.73
25	9,575,636	18,481	1.93	45.82
26	9,557,155	18,732	1.96	44.90
27	9,538,423	18,981	1.99	43.99
28	9,519,442	19,324	2.03	43.08
29	9,500,118	19,760	2.08	42.16
30	9,480,358	20,193	2.13	41.25
31	9,460,165	20,718	2.19	40.34
32	9,439,447	21,239	2.25	39.43
33	9,418,208	21,850	2.32	38.51
34	9,396,358	22,551	2.40	37.60
35	9,373,807	23,528	2.51	36.69
36	9,350,279	24,685	2.64	35.78
37	9,325,594	26,112	2.80	34.88
38	9,299,482	27,991	3.01	33.97
39	9,271,491	30,132	3.25	33.07
40	9,241,359	32,622	3.53	32.18
41	9,208,737	35,362	3.84	31.29
42	9,173,375	38,253	4.17	30.41
43	9,135,122	41,382	4.53	29.54
44	9,093,740	44,741	4.92	28.67
45	9,048,999	48,412	5.35	27.81
46	9,000,587	52,473	5.83	26.95
47	8,948,114	56,910	6.36	26.11
48	8,891,204	61,794	6.95	25.27
49	8,829,410	67,104	7.60	24.45

MORTALITY TABLE AS PROVIDED IN ACT NO. 457,
APPROVED AUGUST 31, 1953—Continued
Commissioners 1958 Standard Ordinary Mortality Table

Age	Number Living	Deaths Each Year	Death Rate per 1,000	Expectation of Life
50	8,762,306	72,902	8.32	23.63
51	8,689,404	79,160	9.11	22.82
52	8,610,244	85,758	9.96	22.03
53	8,524,486	92,832	10.89	21.25
54	8,431,654	100,337	11.90	20.47
55	8,331,317	108,307	13.00	19.71
56	8,223,010	116,849	14.21	18.97
57	8,106,161	125,970	15.54	18.23
58	7,980,191	135,663	17.00	17.51
59	7,844,528	145,830	18.59	16.81
60	7,698,698	156,592	20.34	16.12
61	7,542,106	167,736	22.24	15.44
62	7,374,370	179,271	24.31	14.78
63	7,195,099	191,174	26.57	14.14
64	7,003,925	203,394	29.04	13.51
65	6,800,531	215,917	31.75	12.90
66	6,584,614	228,749	34.74	12.31
67	6,355,865	241,777	38.04	11.73
68	6,114,088	254,835	41.68	11.17
69	5,859,253	267,241	45.61	10.64
70	5,592,012	278,426	49.79	10.12
71	5,313,586	287,731	54.15	9.63
72	5,025,855	294,766	58.65	9.15
73	4,731,089	299,289	63.26	8.69
74	4,431,800	301,894	68.12	8.24
75	4,129,906	303,011	73.37	7.81
76	3,826,895	303,014	79.18	7.39
77	3,523,881	301,997	85.70	6.98
78	3,221,884	299,829	93.06	6.59
79	2,922,055	295,683	101.19	6.21
80	2,626,372	288,848	109.98	5.85
81	2,337,524	278,983	119.35	5.51
82	2,058,541	265,902	129.17	5.19
83	1,792,639	249,858	139.38	4.89
84	1,542,781	231,433	150.01	4.60
85	1,311,348	211,311	161.14	4.32
86	1,100,037	190,108	172.82	4.06
87	909,929	168,455	185.13	3.80
88	741,474	146,997	198.25	3.55
89	594,477	126,303	212.46	3.31
90	468,174	106,809	228.14	3.06
91	361,365	88,813	245.77	2.82
92	272,552	72,480	265.93	2.58
93	200,072	57,881	289.30	2.33
94	142,191	45,026	316.66	2.07
95	97,165	34,128	351.24	1.80
96	63,037	25,250	400.56	1.51
97	37,787	18,456	488.42	1.18
98	19,331	12,916	668.15	.83
99	6,415	6,415	1000.00	.50

The Expectation of Life is the average number of years which a large number of persons of any given age have yet to live; that is, the sum of the years which all will live divided by the number of persons.

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